

0010655

CHARLES CITY COUNTY, VIRGINIA

ORDER BOOK

1676-1679

Abstracted and Compiled

by

Margaret McNeill Ayres

1968

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by

Margaret McNeill Ayres

TN 111028

To

the many friends and acquaintances who, over the years, have been generous with their help and time. They have given me a fuller education, help on my lines, and the conviction that genealogy is an exact science. One of these said of her help, "It's just bread cast on the water; from somewhere it will come back. It might even be cake."

They have my enduring gratitude, and this book bears the hope it may give help to others.

Our old records are not only mines of genealogical proof but are fascinating historical reading. Perhaps on one page you may be bored by the brief statement of one suit after another for debt, but then you will run into a juicy bit about Capt. George Jordan's now wife. It seems that she came to the colony to better herself, leaving a husband in England. She married (?) Richard Hill, left him and married (?) Jordan while her husband Daniel Coates was living. Of course scandalous talk resulted. She was accused of bigamy, but Daniel conveniently died. The Assembly kindly decided for their friend that the Hill episode was no marriage as Coates was living and since he died the Jordan one was legal!

The Justices looked with disfavor on having bastard children if it were a bondwoman, and the penalty was harsh but to Indians and other non-Christians (as an Egyptian!) the law did not apply.

These Charles City Orders immediately after Bacon's Rebellion give us interesting aspects. A good impartial history of this period is needed. I wonder if we will ever have it? Our first stand against unjust taxation*, Berkeley's attitude toward his appointment of Coll. Edw. Hill, plainly shows his attitude and Hill's arrogance and the vindictiveness of other governor's adherents in these orders give us an idea of the trials of the Colonists.

One can't go to England for impartiality, for letters and documents there reflect merely Berkeley and his cohorts. A footnote in Henning is interesting -- "The death of Bacon has never been satisfactorily explained. From lack of any detail it may be inferred that Bacon, Hunt and Cheesman may have fallen by the hand of an assassin hired by the government." (II H. 374.)

The above rebellion was against Berkeley, but they had a just cause against the King also. Economic conditions were so oppressive that little money was seen in the colony. Almost all business was by barter, principally in tobacco, often by assignment of debt. Many tried to pay in inferior tobacco, others let debts run for years. Furs, corn, meat and other products were legal tender also.

Writers have described Bacon's supporters as rough men of small means, but this is not so. As in our later Revolutionary War, Virginians of all classes were included. (Barradall p. 47; Cook, History of Va.). Some of our wealthy, prominent men were of obscure beginnings. In the light of our day we cannot interpret class then.

John Smith, a shoemaker in Charles City, wasn't a lowly cobbler but in all probability a member of the Cordwainer's Guild. Later you will see that he had journeymen and apprentices and stood well in the community. If you had an ancestor who was a draper, a grocer,

a merchant taylor (Prince Henry was one), a cooper, a carpenter, be proud of them. Often younger sons of the gentry and nobility, they had tremendous standing. Mancini, the Italian ambassador in London, noted, "The merchants were no less proud and no less esteemed than the merchant nobles of Venice herself? (Halsted. Richard III p. 281.) Read a good history of the Guilds -- it is fascinating. In many instances the bond-servants were of a good class also. William Buckland, architect, who designed and supervised Gunston Hall, was brought over by George Mason as an indentured servant. His portrait by Poole is at Yale University. Don't sweep such ancestors under the rug, investigate them fully.

If these orders are not quite as abbreviated as some, it is due to my wish to give you a bit of the historical interest also.

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19 September 1968

ABBREVIATIONS

Order Books abounded in them and this book may seem to follow their example. However, only a comparatively few words are abbreviated -- the ones most used.

There was a choice of abbreviating, simplifying the impressive court headings or eliminating part of the book. I think a book should be published as a whole, in this case all of the remainder of these Charles City Orders.

Where tobacco was used it was always "tob & csk" (cask). Its use was numerous so I cut the "& csk." Understand it is meant. The cooper's business must have been important and prosperous. If you have a cooper ancestor don't be ashamed of him.

acct. -----	account	extr. -----	executor
adm. -----	administrator	extrx. -----	executrix
admin. -----	administration	His Maj. ----	His Majesty
adm. -----	administratrix	judgmt. -----	judgement
agst. -----	against	lbs. -----	pounds
attachmt. ---	attachment	maj. -----	major
atty. -----	attorney	par. -----	parish
bbls. -----	barrels	sd. -----	said
capt. -----	captain	sherr. -----	sheriff
coll. -----	colonel	ster. -----	sterling
csk. -----	cask	tob. -----	tobacco
deft. -----	defendant	vs. -----	versus

Pages 1 - 162 are missing.

and the next court Mr. Minge appeared and presented a petition which the sd. worshipful gentlemen took into serious consideration and after deliberation it was thought fit that the Court business not be neglected to employ one Mr. Field as Clerk and that the records be turned over to him and an order was made wherein Mr. Minge and your petitioner were referred to the next Gen'l Court.

By the Governor & Capt. Gen'l of Virginia. It appearing to me and the Council that by an order made 16th of April last by the County Court of Chas. City the matter between the petr. and Mr. Jas. Minge concerning the Clerks place of sd. County Court is referred to the determination of the next Gen'l. Court. I do therefore appoint that the sd. Mr. Minge shall have notice thereof and he (and) the petr. are both to attend the first day of the next Gen'l Court where the matter shall be fully heard. In the meantime Mr. Peter Field is to excute the place of clerk of that Court.

3 May 1677
Rec. 16 June 1677

Herb. Jeffreys

Upon the petition of Mrs. Frances Drew agst. Mr. E(lias?) Osborne concerning the orphans of Mr. Phill. Limbrey she is ordered to appear at the next Court to prove claim. (torn and indistinct.)

p.164
Hester the wife of Edwn. Foster, decd. petitions that Maj. John Stith is to take acct. of what estate there is and report.

Administration is granted Yurt (?) Harris upon the estate of Thos. Harris, dec'd, she to return to the next court a true inventory with security.

Administration granted to Sarah Gatley of her dec'd husbands estate, she having good security and presnting an inventory.

It is ordered that Mr. Rich'd Bradford and Saml. Phillips be appraisers of the same,

To be sworn by Maj. John Stith.

Petition of Wm. Garner for administration of the estate of Jno. Harwood, dec'd., he marrying the relict, Robt. Short appears and offers to prove a will and testament of the sd. Harwood. Proof to be produced at the next court and the appointment wait.

p.164 cont.

Difference between Dr. Jno. Coggan plt and Jones Crossland, deft about a horse, referred to a jury. Mr. Nevet Wheeler foreman: Mr. Wm. Jordan: Mr. Wm. Harrison: Mr. Jas. Thrall: Mr. Henry Harmon: Mr. Jno. Hodges: Mr. Thos. Boothe: Mr. Thos. Gregory: _____ Dawson: Mr. Jno. Hardaway: _____ Mason: Mr. Rich. Wathen:

p. 165

June 4, 1677

By the Governor and Capt. Gen'l of Virginia a testimonial to Lt. Col. Edw. Hill for his integrity and loyalty to his most sacred Majesty and His Majesty's government in the late rebellion.

Signed Wm. Berkeley

Recorded 16 June 1677 to which was "writ" by the Governor's hand his feeling that Col. Hill was "yet persicuted by the rebellious party." (It would have made it easier for Hill if Berkeley had kept quiet feeling was so against him then. Ed.)

John Billings servant to Jno. Hardaway adjudged 14 years old.

Edw. Bland is indebted to Maj. Jno. Stith for 400 lbs tob., payment is ordered.

Wm. Lambert, servt. to Robt. Bolling of Appamatox is adjudged 18 years old.

John Drayton having taken up a white stray horse the owner can have him by coming to his house and proving ownership.

Rec. 16 June 1677

Pet. Field Clk.

p. 166

Power of atty. from John Powd of the Par. of St. Bartolf's without Aldgate, London, Cooper, to his beloved friend and kinsman Wm. Powd of Willminton Par. in Virginia to recover from Jno. Drayton, Jr. of Westover 1800 lbs. tob..

Rec. June 16
Pet. Field Clerk.

wit. Wm. Humpe
Mathew Tyler
Wm. Gibson

p. 167

Power of atty. from Jno. Rutland and Jno. Clapham merchants of London to Jno. Drayton, Jr. of Charles City Co. in Virginia 9 Apr. 1677.

wit. Rich. Carlile
Rich. Suffolke

p. 167 cont.

James Gun shows that Thos. Blayton who married the "relique" of Jeramyah Woodhall is indebted for 490 lbs tob. by account. The sd. Blanton pleads discount of all save the cure of a mare. The court considers 200 lbs tob justified.

Difference between Thos. Blayton plt. and Jno. Terry deft. referred to next Court.

Rich. Hill confesses judgment to Barnaby Kearny for 3108 lbs tob.. Nevet Wheeler requests that the difference between Thos. Blayton plt. & Rich. Smith deft. ref. to next Court.

p. 168

Admin. is Granted Rebecca the relicque of Abraham Giles dec'd upon his estate. She "putten in" security for same.

Wm. Jordan of Merchant's Hope confesses Judgment to the sum of 100,000 lbs tob. for the security of the extrx..

Acct. of Jno. Coogan plt. against Rebecca Giles deft for 200 lbs. tob.. Ordered.

Geo. Guillman servant to Capt. Robt. Lucy is judged 13 years old.

Edw. Bland confesses Judgment to Jno Coogan plt. for 250 lbs. tob, a good new hog skin saddle, kirb bridle, and good saddle cloth.

Judgment granted Coll. Thos. Swann plt. agt. Jas. Thrate deft. for 1708 lbs. tob. provided that sd., Thrale's bill of exchange for 5 pds. Ster: comes back protested.

Judgment granted Jno. Drayton, Sr. plt. agt. Jas. Thrate for 639 lbs tob. found due.

The difference between Rebecca Giles plt. and Jno. Coogan deft concerning a horse, referred to next court.

The case between Geo. Marble plt & Henry Harwian deft. is dismissed.

p. 169

It appears that Henry Newcomb is indebted to Coll. Edw. Hill for 4117 lbs. tob. returned by the sherr.. Attachmt. is granted to Coll. Edw. Hill for sd. sum.

It appears that Henry Newcomb is indebted to Geo. Marble for 3832 lbs. tob. by sherr. returned: attachment granted Jno. Marble for sd sum.

p. 169 cont.

The case of Jno. Drayton, Sr. plt. & Rich. Hill deft. is referred to next court and Wm. Duke appointed to take evidence of Martin Quetch or any other in sd. case.

(9 June 1677)

Upon motion and testimony of Dan. Clarke sherr and Jas. Mings that it was order of the Rt. Hon. Herb. Jefferys, Esq: Governor etc: that Barnard Sykes & Mr. Thos. Grendon be sworn as Justices they being present but the court considered that the sd. Mr. Sykes had not been an inhabitant of the colony the necessary time, decided to suspend the oath until further instructions from the Governor. Mr. Grendon refused the oath until the whole matter was leared.

p. 170

Abraham Heath (extr. named in the will of Sarah Savage) and Elizabeth his wife presented inventory with appraisment.

Elias Osborne confesses Judgment to Coll. Edw. Hill for 3183 lbs. Tob..

The sd. Elias Osborne acknowledges an assignment of a bill on Tobias Hallford for 480 lbs tob. unto the sd. Coll. Edw. Hill.

The case between Coll. Edw. Hill plt. & Jno. Baxter deft. referred to next Court.

The difference between Rich. Wathen plt and Mary Rose deft. referred to a Jury.

Jury: Mr. Nevet Wheeler, foreman: Mr. Henry Harman: Mr. Thos. Boothe: Mr. Alex. Danison: Mr. Wm. Jordan: Mr. Wm. Harrison: Mr. Jas. Thrate: Mr. Jno. Hodges: Mr. Thos. Gregory: Mr. Jno. Hardaway: Mr. Rich. Dodd: Mr. Wm. Lambson.

Nich. Wyatt testified in the action of Rich. Wathen plt. and Mrs. Rose deft declared it abuse by Mrs Rose's servantman Wm. Ledford. There were signs of blows but no evidence. Booth under peace bond. Jury find for plt. damage at 20 lbs tob..

Bond of Mary Rose to pay unto the King 10,000 lbs. tob. upon demand. 26 March 1677. Terms being that if Wm. Ledford the servant shall conduct himself peaceably and Rich. Wathen be free of molestation anywhere, the bond shall be void.

p. 172

Richard Wathne testified that Wm. Ledford at instigation of his mistress on 25 March last did violently assault the petr. and also did kick the petr's wife. No provocation by the plt.. On complaint to Capt. Nich. Wyatt, Justice the sd. Ledford was bound to the peace, his mistress giving security, yet Ledford did continue his abuse and promised more.

p. 172 cont.

On May 24th Ledford did beat Ruth Pulley a woman servant of the plt. severely. Wathen prays damages.

The court decided that Mary Rose has forfeited her bond of 10,000 lbs. tob. to the King and 20 lbs tob. damages to the plt..

Robt. Ireland fined for non-appearance as a witness in the case of Marmaduke Browne, plt. & Bernard Sykes atty. of Roland Place Esq. deft.

Judgm. granted Jno. Drayton, Sr. plt. against the sherr. for 11015 lbs. tob. & csk found due from Rich. Williams deft who did not appear.

p. 173

The case between Lidia Nowell plt. & Jas. Mason deft. concerning a servant is referred to next Court.

John Lowman, joyner, confesseth judgment to Jno. Coggan for as much as Joyner's worke goods as shall be valued to be worth 1000 lbs tob.

Judgm. granted to Thos. Blayton as attorney of Wm. Sherwood, the attorney of Capt. Edw. Gosseling plt. against Jno. Holmwood deft. for 738 lbs. tob. found due sd. Gosseling.

Judgm. granted to Capt. Edw. Gosseling plt. agst. Edw. Bland on forfeiture of a penalty of 3000 lbs tob.. Edw. Bland asks an injunction in Chancery. Granted but sd. Bland ordered to pay 1800 lbs tob.

Action of Dr. Geo. Lee plt. and Capt. Fr. Poythress deft. referred to next court.

Action of Dr. Geo. Lee plt. agst. Wm. Harrison plt. attorney of Coll. Thos. Swan is dismissed the sd. Harrison not proved so to be.

Judgment granted Mr. Jno. Drayton, Jr. as the attorney of Coll. Thos. Swan plt. agst. the sherr. for 1756 lbs tob. & csk. due from Roger Green deft. who has not appeared.

Attachmt. granted the sd. sherr. to indemnify him from sd. judgment.

p. 174

Non-suit granted Capt. Robt. Lucy deft. agst. Davidson plt. for not prosecuting the suit. The case between Dr. Geo. Lee plt. & Jno. Hamlin deft is referred to the next court.

Judgm. agst the sherr. is granted Mrs. Frances Drew plt. for 400 lbs. tob. found due from Jas. Sonaker deft who has failed to make his appearance.

p. 174 cont.

Attachm. is granted the sherr. to save him harmless from the sd. judgmt.

The action of Jno. Coggan plt. and Allen Jenkins deft. is dismissed. Peter Field plt. against the estate of Wm. Jenkins, decd, attachement upon a horse by order 16 April last, sd. horse appraised by Jas. Wallis, Jno. Poythress & Roger Reese and valued at 1000 lbs tob.. But Jenkins was indebted to Field for 1368 lbs. tob.. Judgm. granted unto Field on the horse also for 368 lbs. tob..

A non-suit is granted Marmaduke browne deft agst. Jno. Bishop plt..

Attachmt. granted Jno. Drayton, Sen. plt. upon the estate of Meredith Davis deft for 390 lbs. tob..

The case between Jno. Decent & Jeffery Mumford dismissed.

The action of Ed. Redish plt & Jas. Gunne deft. referred to next court.

Jno. Powd. plt. & Jno. Drayton deft. the deft pleading that he can prove at next court, part of the debt paid is referred to next court.

p. 175

Judgmt. agst. the Sherr. is granted Jno. Drayton, Jr. attorney of Coll. Thos. Swan plt. for 834 lbs tob. due from Thos. Mudgett.

Jno. Coggan plt. agst. Bernard Sykes attorney of Roland Place Esqr. deft referred to next court.

Request by Edw. Jordan, sloopman, to pay Mrs. Lillian Nowell 1400 lbs. tob. out of money due him by the county for transportation.

3 Feb. 1675, John Drayton, Sr. confessed Judgment to Wm. Sherwood (who married the relict of Richard James, dec'd.) for 8484 lbs tob. due by bond. Unpaid, so the court renews Judgm. granted for the full amount.

Coll. Edw. Hill is licensed by the Court to keep an ordinary of victuals and drink at Westover for the accomodation of all persons at the next court.

Roger Green indebted to Geo. Marble for 957 lbs. tob., failing to appear Judgm. is awarded against the sherr.

The Court Adjurned until the 3rd of August.

p. 176

At a Meeting of the Right Worshl.

Justices of this County at Westover

12 June 1677

Pres.

Coll. Edw. Hill: Coll. Jno Eppes: Maj. Jno. Stith: Capt. Thos. Mallory:
Capt. Fran. Poythris: Capt. Danl. Lewellin.

It is ordered that a list of tithables of this county be taken by the 20th day of this instant June by these persons herin nominated.

To Mr. Wm. Duke the Par. of Martin Brandon.
To Mr. Jno Drayton, Sen. his former precinct.
To Capt. Fran. Poythris, at Jordans.
To Capt. Thos. Mallory Appamatock.
To Maj. John Stith, Wayonoke.
To Capt. Daniel Lewellin the northside of Westover.

By a Comission nominated to execute a dedimus from the Rt. honb. Comiss'rs for Virginia affairs, this day to examine witnesses concerning the greivances of this county. Col. John Eppes: Maj. John Stith: Mr. James Bisse: Capt. Nich. Wyatt.

Whereas Mr. Daniel Clark is p'sent Sherr. doeth request the opinion of the Comissioners whither he ought to arrest the body of any p'son (summoned to be there and give evidence about the greivances) during the time of executing the sd. dedimus. The opinion of Col. Jno. Epps, Capt. Nich. Wyatt, Mr. Jas. Bisse is that the Sherr. should not arrest the body of anyone so summoned, Maj. Jno. Stith dissents.

p. 177

At a Court at Westover
3 Aug. 1677

Pres.

Col. Edw. Hill: Maj. Jno. Stith: Mr. Wm. Duke: Capt. Thos. Mallory:
Mr. Jno. Drayton.

Upon the petition of Hester Foster, a poore widow woman, Maj. Jno Stith at the last court was requested to take an account of the estate of Edw. Foster dec'd husband who having made return there of to the court and the same being found to inconsiderable it is ordered to remain in the widow's custody for her own and her children's relief. (This is not an abstract but a good comment on the times. Ed.)

Abraham Underwood servt. to Mr. Thos. Gregory was judged to be 13 years of age. Gregory produced an assignment whereby Underwood was sold to him for 9 years. Recorded.

p. 178

Deed from Thomas Short to Thomas Gregory of a man servant "neere" the age of 13 year for the full term of his bond, 9 years.

17 July 1676

John Short petitions the Court for approval of the sale of a bond servant. Approved. Deed below. (but no deed. Ed.)

John Niickleman belonging to the Ship Rebeccah do sell and assign unto Jno. Short 1 man servant Francis South "neere" 12 years old for term of ten years.

29 July 1676

(These were evidently the waifs who were sent over from London on consignment of the ship owners or officers. Ed.)

p. 179

Administration granted Ann Price in her own right and James Mayo for the orphans of Rich. Price, dec'd of the Par. of Marcht Brandon. (Marcht is plainly the spelling in the O.B. though it must be Martin. Ed.)

Whereas in those late miserable distractions and rebellions the courts were totally interrrypted and hindered, much of the business being mutually decided by litigants and on resumption of the Courts may do not answer when called, it is determined that these be dismissed without prejudice.

A probate of the will of Hammon Woodhouse, dec'd of Westover Par., is granted Rachell his wife sole Extrx. pr. by Walter Hinde and Geo. Buttler.

Admin. granted Eliza. Barnet upon the estate of Jas. Barnet her dec'd husband of Par. of Marcht brandon. Security.

Elias Osborne & Henry Preston give security for the admin. of Eliza. Barnet.

p. 180

Mrs. Elizabeth Tatem petitions for admin. of the estate of Thos. Winter, dec'd as greatest creditor, being for 5225 lbs. tob.. Hubert Farrel named extr. of sd. Winter's estate and sd. Farrel being since dec'd. Wm. White his extr. relinquished admin. of sd. Winter. Admin. granted.

Administration granted Jeffery Mumford of the Par. of Waynoke upon the estate of Peter Johnson dec'd. Security given.

p. 181

Frances Drew by her petition shows that Eliza. the petr's youngest daughter the wife of Mr. Philip Lymbry dec'd and did leave at her death three poor motherless children, one since dec'd., the other two fall in to the hands of the second wife of sd. Lymbrey, Jane now wife of Elias Osborne. The sd. Limbry having left a good estate part of which by will was left the orphans it is now in the hands of sd. Osburne who is dissipating it without making any account to the Court nor security for same. Jane until her marriage to Osburne was kind and good to the children but Osborn being of well known temper, her treatment has changed and sd. Drew has been forced to put the children in the hands of Capt. Wyatt from whom yr. petr. has obtained leave to keep them until such time that right might be done and she humbly prays that she might have the keeping of them. Osborne having threatened her she prays that he may be stopped and some honest, able person may be appointed to examine the condition of the sd. Limbry's estate and secure that due the orphans. (Women and children had a hard time in Colonial days with little recourse. This is in full to show it. Ed.)

p. 182

The deposition of Nich. Wyatt aged 30 years or thereabouts. Early in last July a year ago, Mrs. Joane Osborne the wife of Elias Osborne came to his house with two orphans of Phillip Limbrey and requested protection for herself and the sd. orphans from the cruelty of her husband. Wyatt kept sd. orphans about three weeks some time after sd. Osborne and his wife had another quarrel. She sent the children again with clothes for yr. deponent to keep them Mrs. Osborne gave him possession of the children as she had power to do. Mrs. Drew the children's grandmother and Mrs. Lucy came and requested that they might keep the children until Mrs. Drew could petition the court for custody.

Authorization of Jane Osborne to Nich. Wyatt. Jane deposes that according to her former husband's will she has power to dispose of the children as she deems best and protect their estate. For this reason she gives the orphans to Capt. Nich. Wyatt one of his Majesty's justices for lawful recourse.

1 Nov. 1676

Petition of Frances Drew. Out of the natural love and affection which she bears her grandchildren John & Eliza. Lumbrey the orphants of Phillip Lunbry and my daughter Eliza, requests Nich. Wyatt to let her have the tuition and care of them until the law settles them or sd. Wyatt requests their surrender.

24 Nov. 1676

Upon the petition of Mrs. Frances Drew concerning the orphans of Phillip Limbry, the Court having seriously considered the case order that the sd. Mrs. Frances Drew take John & Eliza. Limbry into her care and that she take a true inventory of the estate of the sd. Limbry. And that Elias Osborne give security for sd. estate. (It was hard to get an estate from step-fathers. Ed.)

p. 185

Persons appointed to take the list of tithables for this year, summon all orphans and their guardians for the next Orphan's Court.

Thos. Hamlin has presented an inventory of the estate of Anthony Wind, dec'd and complained it was not justly appraised. Ordered Maj. Jno. Stith and Mr. Thos. Gregory to reappraise same.

Mr. Thos. Grendon appearing in Court to take the oath of Justice by Mr. Jas. Minge who asserted that it was ordered by Governor was reminded that by law there should only be 8 Justices and the Governor should be asked if they should yield to his Commands. Mr. Minge violently moved it be put to vote but Mr. Wm. Sherwood objected claiming it no Court as it had no commission from the present Governor. Coll. Edw. Hill moved to adjourn until the Governor should be consulted and the sd. Sherwood's misbehavior reported and the honor of the Court be preserved.

At a Court at Westover

13 Sept 1677

Pres. Col. Edw. Hill: Maj. Jno. Stith: Mr. Jno. Drayton, Sr.: Capt. Dan'l Lewellin.

Admin. of the estate of Thos. Harris dec'd is granted Jno. Eckles and Jno. Hardaway, jointly both of Westover Par..

p. 187

Sam'l Phillips enters as security for Jno. Ekles and Jno. Hardaway.

Jno. Turner & Noell Hutchison are appointed appraisers of the estate of Thos. Harris.

The same appraisers are appointed for the estate of Ben. Davis.

Upon petition of Thos. Cocke concerning the estate of Thos. Hill, Jno Smith of Turkey Island and Cuthbert Williamson are appointed to appraise same.

Upon petition of Mr. Anth. Wyatt (concerning land bought of Col. Edw. Hill) agst. Wm. Crab atty of Col. St. Ledger Codd, being unprovided to answer the Saint craves a reference. Granted.

Capt. Nich. Wyatt & Capt. Wm. Rollinson ordered to take inventory of the estate of Phillip Limbrey dec'd and that Mr. Wm. Duke swear Mr. Elias Osborne to give a true inventory.

Inventory of the estate of Rich. Martin dec'd, is presented by Thos. Cocke and Jno. Smith.

Inventory of the estate of Thos. Hill dec'd is presented by Thos. Cocke.

p. 187 cont.

Probate of the last will of Rich. Welbeck, late of the Par. of Westover dec'd is granted to Maj. Wm. Browne sole extr. named. Pr. by Mr. Wm. Crabbe: Capt. Robt. Lucy & Mr. Wm. Crab, Security given.

p. 188

Thomas Blayton suing Nevet Wheeler has produced a bill due Personer Barton dec'd unto the sd. Blayton asks a non-suit. Granted with costs. Blayton appeals.

The action of Thos. Blayton plt. & Rich Smith referred to next Court.

Whereas Edw. Richards has presented a gun to the court which he pretends that he took from an Indian upon his land. The court orders him to keep the gun until they can hear from the Governor and council.

Attachment returned upon the estate of Hen. Newcomb deft. for 4000 lbs. tob. due to Coll. Edw. Hill plt.. Judgmt. granted the plt.. They order the goods appraised, if insufficient another attachment be executed on Newcomb.

Attachmt. granted Eusb. King plt. for 6069 lbs. tob. agst. Henry Newcomb deft. which is returned non est invct.

p. 189

Return of attachm. granted Geo. Marble agst. Henry Newcomb for 3832 lbs. tob.. Goods to be appraised and more of the estate attached if necessary.

Thos. Horne confessed judgment to Coll. Edw. Hill for 270 lbs. tob..

Mrs. Lidia Nowell plt. and Jas. Mason deft. request impartial men be chosen to arbitrate the difference between them. Capt. Robt. Lucy, Capt. Nich. Wyatt and Jno. Hamilin are chosen. Bond for 20,000 lbs. tob. each to assure Litigants abide by the decision.

Richard Hill confeses judgment to Geo. Marble for the sum of 320 lbs. tob. due.

p. 190

An action for trespass between Capt. Arthur Allen plt. and Mr. Nevet Wheeler deft. claims that during "the late most horrid rebellion" the deft. took Jno. Finley one of Allen's servants locked him up to persuade sd. Finley to join the rebels. Refusing to comply when released he was weak and sick: it was 4 mos. before Finley could work and sd. Allen suffered monetary loss. The plt. prays 10,000 lbs. tob. damage.

Sept 13. 1677

p. 190 cont.

Rich. Jackson aged about 23 years deposes that he was held prisoner with the sd. Finley for about 11 weeks and heard Nevet Wheeler try to persuade the sd. Finney to join the rebels.

p. 191

Jno. Finly aged 24 years deposes that about 16th of Sept. 1666 last he was among a group brought to Nevet Wheeler's in Martin Brandon. All put in confinement and urged to join the rebels. Refusing he was continued in confinement longer became ill and was dismissed. Referred to a jury, Mr. Thos. Cocke, foreman: Mr. Jas. Gunn: Mr. Wm. Randolph: Mr. Sampson Ellis: Mr. Tho. Hamlin: Mr. Jno. Mayton: Mr. Jno. Poythress: Mr. Rich. Pace: Mr. Thos. Gregory: Mr. Jno. Marshall: Mr. Henry Burton: Mr. Jno. Hamlin.

p. 192

An order of the Governor and Council Mr. Wm. Sherwood read a public acknowledgement of his fault.

Mr. Antho. Hanyland (?) did in open court on his knees acknowledge his scurrilous language to Coll. Edw. Hill and ask pardon.

p. 193

Admin. of the goods & chattels of Sam'l Johnson dec'd is granted Thos. Mudgett of Martins Brandon

Jno. Harrison & Jno Niblett stand security for Thos. Mudgett's admin.

Ordered that Anthony Havyland's petition to the Rt. Hon. Herbert Jeffrys Gov. etc. and the result be entered.

p. 194

Where Anthony Havyhland petitions that your unfortunate petitioner was one in arms was under command of those who so wickedly prevailed and were possessed of all the arms and command in Virginia except that in Accomacke and yr. petr. after 12 weeks in prison was brought to trial before the then Governor and Council at Green Springs, the sentence being that yr. petr. should pay so much tob. and acknowledge his offense in certain courts with a rope about his neck but upon consideration the sd. Governor & Council remitted the sd. coming into any court in such a posture and the tob. only to be paid to give security for his future loyalty and good behavior which has been given. Now though yr. petr. has with loyalty, peace and obedience demeaned himself, yet causeless complaint has been made against him and the order given that since the original sentence was not rectified upon the record, that yr. petr. should come into court. If it is the will of the Gov. and Council yr.

p. 194 cont.

pet. will do so to his great mortification but he does not believe such shame is intended except by some malicious persons who have a personal malice. He prays abatement.

Upon this pet. I am directed to order that the execution of the sentence against Hvyland which required his acknowledgement in court be suspended until the next Genl. Court when he is to appear and the record compared with the petition.

Signed Thos Ludwell, Secr. Rec.
Peter Field, Clk.

(This full account was included to show the petty spite of many in power. The court at Green Springs was Berkley's)

p. 195

At a Court at Westover
Sept. 14, 1677

Pres. Coll. Edw. Hill: Maj. Jno. Stith: Capt. Thos. Mallory: Mr. Jno. Drayton.

Admin. granted Daniel Hickdon on the estate of Rich. Raines late of the Par. of Jordan, dec'd. Security.

Admin. granted on the estate of Jno. Harwood late of Flowerde hundred dec'd to Wm. Gardner who married the relict. Security.

The jury's verdict, Capt. Allen vs. Nevet Wheeler: Find for Capt Allen plt. and give damages according to act of assembly. The deft appeals.

p. 196

Elias Osborne informs that Mr. Nevet Wheeler, Mrs. Tatum, Jno Barker, & Capt. Nicho. Wyat have given one less than their true tithables. To be proved at next court.

Maj. Theoph: Hone plt agst nevet Wheeler, Jno. Tate, & Jno. Harrison deft. reff. to next court.

Judgm. granted Col Edw. Hill plt agst. the widow Mary Balland deft. for 246 lbs tob. & csk.

Mr. Jno. Coggen confesses Judgm. to Coll. Edw. Hill for 1617 lbs. tob..

An action for trespass depending between Capt. Arthur Allen plt. agst. Jas. Mumford, Wm. Tompkins, Auth. Havyland, Jno. Tate, Rich. Heller, Jas. Barnet, Robt. Rowse, Jno. Harrison, Wm. Cooke, Edw. Norwood, Wm. Sandbourne & Henry Browne, all deft. in sd. action, referred to a Jury.

p. 196 cont

Mr. Wm. Randolph, foreman: Mr. Hen. Burton: Mr. Jno. Poythris: Mr. Sampson Elis: Mr. Thos. Gregory: Mr. Jno. Mayton: Mr. Jno. Marshall: Mr. Rich. Pace: Mr. Jno. Hamlin: Mr. Hen Blanks. The action withdrawn.

Whereas it appears to the court that Jno. Drayton, Jr. deft is indebted upon the balance of a bill found due to Jno. Price plt for 1400 lbs. Judgment granted plt.

p. 197

Mr. Jas. Wallis promises & oblige himself to pay to Mrs. Mary, the relict of Coll. Thos. Liggon dec'd the sum of 400 lbs. tob. & csk due from Thos. Morgan, dec'd unto the sd. Col. Ligon.

Gilbert Plat plt. agst. Mr. Bernhard Sykes deft., referred to next court.

Coll. Edw. Hill plt. agst. Jno. Smith Shoemaker & Henry May referred to next court.

Judgm. granted to Mary the Extrx. and relict of Coll. Thos. Liggon, dec'd agst Wm. Harrison, Jr. for 574 lbs tob. due the sd. Mary as Extrx by bills.

Mr. Edw. Cole agst. Mr. Thos. Mallory for 450 lbs tob. the balance due on acct of 300 lbs. pork, but Mr. Mallory declares 400 lbs tob. due him for sheriff's fees. Judgmt. to plt. 50 lbs tob..

Ordered that Nathaniel Jordan pay Henry Blankes for 3 days as witness.

p. 198

14 Sept 1677

Pres. Col. Edw. Hill: Maj. Jno. Stith: Mr. Jno. Drayton, Sr.: Capt. Thos. Mallory: Capt. Dan'l Lewellin.

Judgm. granted Geo. Marble plt. agst. Mr. Dan'l Clarke sheriff for non-appearance of Wm. Pride deft. arrested for trespass. Marble shows damage of 2000 lbs tob.. If deft appears at next court judgement is void.

Gilbert Platt plt agst. Rich. Goffe deft whom the sd. Platt claims is his servant, andsuch proving to be is the case, the sherr. is ordered to return Goffe to his master.

Mr. Gilbert Plat promises the sd. Goffe that if he serve his time of 12 mos well then he shall forgive all offenses. Goffe accepts.

p. 199

Depositions in the case of Platt agst. Goffe, as taken by Coll. Edw. Hill 6 July 1677. Edward Stratton deposes that he was at Mr. Rich Platts and heard Rich. Goffe say that he was (one) Wilkinson's servant Wit:

Will. Farr
Jno. Farrar

True Pet. Field, Clk.

Wm. Melton aged 30 years deposes same as above. same witnesses.

Richard Withers aged about 40 years deposes that working with Rich. Goffe for Mr. Platt, he told me he was one Wilkinson's servant who left him with Capt. Jno. Goffe to sell. Same wit.

John Pleasant aged about 30 years says that he had a servant of Mr. Jas. Biss named Rich. Goffe, who had no indenture. 10 July 1677. wit same: vera cop. ditto.

p. 200

Francis Eppes aged about 49 years says over a year ago Mr. Gilbert Platt was at the house of deponent., with Capt. Jno. Goffe & Rich Goffe who was servt. to the sd. Platt a dispute arose as sd. R. Goffe had an indenture but Mr. Platt differed and desired Capt. Goffe's oath for the same which was refused.

8 June 1677

wit. Fran. Epes
Wm. Farrar
Vera. Cop.

Walter Vannham, 50 years or upwards deposes. In March 1671 he was aboard the Prince, Mr. Jno. Goffe commander and the deponent did hear several of the ship's company say that Rich. Goffe was one Wilkinson's servant, which Jas. Bisse after bought.

27 Apr. 1676

wit. Jas. Bisse
Vera cop

Judgm. to Mr. Jno. Drayton, Sr. plt. agst. Lt. Coll. Dan'l. Clark sheriff for the non-appearance of Rich. Williams in June. Judgment is again confirmed to plt agst. the sherr. for failing to produce the body or sufficient estate.

p. 201

Attachmt. granted to Lt. Col. Dan'l Clarke sherr agst the estate of Rich. Williams deft. for indemnity.

p. 201 cont.

Power of atty. from St. Ledger Codd of Little Wickacomico river in Northumberland to Wm. Crabb of Jordan's Par. to manage his 2 plantations in Charles City co., at Westover and at Jordans to discharge and hire overseers, and to have sole charge of servants, transact all business, if Codd himself were present.

18 Aug. 1676

wit. Edw. Bland
Nich. Hill
pr. by Edw. Bland

p. 202

Deed of Mary Rose of Wayonoke Par. in Charles City co., widow because of her impending marriage for love and motherly affection gives to son James Laurence of sd. par. & county 2000 lbs. tob. & csk. to be his demand within 2 months after her decease to Mary Laurence wife of the above James one suit of her own clothes from head to foot; to daughter Sarah Bishop wife of Jno. Bishop of the aforesd county the remainder of the sd. Mary Rose's clothes. To grandchildren Henry Bishop, Sarah Bishop and Elizabeth Bishop bequests. If son James Laurence should die before me, then the aforesd. 2000 lbs. tob. to be equally divided among John Bishop's children. All gifts to be delivered to devisees within 2 months of sd. Mary Rose's demise without hindrance of her intended husband Wm. Leedford or anyone.

17 July 1677

wit. Henry Harman
Ann Lizer
pr. by Hen. Harman 13 Sept. 1677

p. 203

Acknowledgement of a deed to 161 acs. of land from Maurice Burcher & Joan his wife to Jno. Weaver recorded in last April's Court (154:155) again acknowledged in court and surrendered 13 Sept. 1677.

Ordered that the following information of Capt. Wm. Rollinson be entered in the record.

That the grand assembly taking into consideration the mischief arising from the great numbers of ordinaries and tippling houses for private gain did by an act of 17 Sept. 1668 order that the commissioners of the county courts should use restraint in the number of these, only one or two allowed near the Court house and persons keeping an unlicensed tippling house be fined 2000 lbs. tob., one half to the informer & one half to the county. Now Nevet Wheeler of the Par. of Martin's brandon about last October and at other times before and after has kept a common tippling house, not being on any great road has exposed to sale and sold rum and other liquors to any person. Information is presented so the sd. Wheeler shall have proper punishment. Payment of 1000 lbs. of tob. for the information is requested.

p. 205

In June court last Judgmt. for 957 lbs. tob. was granted to Geo Marble plt agst. Lt. Coll. Daniel Clark, sheriff failing to produce the appearance of Roger Green deft.. The Sherr. failing now to produce the body or sufficient estate of the deft. to pay judgmt. it is confirmed to the plt. agst. the sd. Lt. Coll. Clark, sherr..

Attachmt. granted the Sherr. to indemnify him from the judgmt..

Mr. Thos. Blayton as atty. of Mr. Jno. Sadler plt. presents that Henry Preston deft. as for himself and as Extr. of Thos. Stevenson dec'd both have forcibly entered and used a parcel of land of 50 acs. belonging to John Sadler and for 26 years. kept him from its possession. Damage asked for 4000 lbs. tob. and restitution of the land. Referred to a Jury: Mr. Wm. Randolph, foreman: Mr. Hen. Burton: Mr. Thos. Hamlin: Mr. Jas. Gunn: Mr. Jno. Hamlin: Mr. Jno. Mayton: Mr. Jno. Poythris: Mr. Henry Blanks: Mr. Thos. Gregory: Mr. Robt. Bolling : Mr. Jno. Marshall: Mr. Wm. Harrison. The Jurors return their verdict. (see p. 209 if you can't wait. Ed.)

p. 206

At June court an attachm. for 390 lbs. tob. was granted to Mr. Jno. Drayton, Sr. plt. against Meredith Davis it never beeing served nor executed, attachm. renewed.

Judgmt. granted Mr. Jno. Drayton, Jr. atty. for Jno. Rutland & Jno. Clapham plts. agst. Mr. Dan'l Clark, sherr. 414 lbs. tob. due sd. Rutland & Clapham from Josh. Meacham deft. by bill who fails to make his appearance. If Sherr. produces the body or sufficient estate, Judgm't. voided. Attachmt. granted the sherr..

p. 207

Ordered that Marmaduke Brown pay Curtis Land for 3 days as witness.

Edw. Gibson has similar order granted.

Judgmt. granted to Coll. Thos. Swan plt. agst. Mauvis Burcher deft. for 324 lbs. tob. found due plt..

Judgmt. granted to Mary the relict and Extrx of Coll. Thos. Liggon dec'd. plt. agst. Isaac Croswell deft. for 420 lbs. tob. found due by bill.

Alexander Davis plt. sues Mr. Robt. Lucy for trespass about a horse the plt. pretends the deft. did unlawfully take, carry away for militia use and was never returned and is lost. The plt. and asks 2000 lbs. tob. & csk.. The deft. pleads that legally impressed the horse, by warrant to him directed and signed by Jas. Minge, then Clerk of the Court and by order of the Justices, Burgesses & commission officers of the Commonwealth; to impress for the Country. It appeared the deft.

p. 207 cont.

legally impressed the horse by warrant and an act of the assembly.
Acquittal for the debt.

p. 208

Mr. Rich. Moseby plt. shows that Harman Bosman debt. did for one day borrow plt's boat and kept it 21 days and damaged it so the plt could not use it. The plt. asked Allen Jenkins & Jno. Mayton to view the sd. boat but the debt. or agents took it to repair and have not returned it (which was last April) and the plt. is without a boat, (In those days that was like being without an auto is now. Ed.) damages of 1400 lbs tob. asked. The debt. not denying damage, Maj. Jno. Stith & Custis land were ordered to value the boat. Value at 300 lbs tob.. Judgmt. granted plt..

Allen Jenkins aged about 40 years deposes that Robt. Curryford brought a boat belonging to Mr. Rich Mosby to sd. Jenkins landing and being asked by sd. Mr. Moseby he testifies. (Jenkins then recites in detail the damage which was excessive and made the boat unfit for use. Ed.)
14 Sept. 1677

p. 209

Judgm. granted at the June court to Jno. Drayton attorney of Col. Thos. Swan plt. agst. Lt. Coll. Dan. Clark sherr for 1750 lbs. tob. for failing to produce Roger Green debt or sufficient estate. The sd. Green debt., pleads that the petition agst. the sd. Green was not legally entered but in a wrong pretended office by one Thos. Scot who at that time had no authority. A non-suit is granted.
(Strange this was not discovered sooner. Berkley's political allies had it their own way. Ed.)

Wm. Dabson debt. returned non-est inventus in an action for debt to the suit of Jno. Ruttland plt. for 472 lbs. tob.. Attachmt. granted.

The Jurors returned the verdict between Blayton as attorney aforesd. plt. and Preston debt.: We find the debt a trespasser and for the plt. 856 lbs tob. damage which is in all 900 lbs tob & csk. (See p. 205 Ed.)
Judgmt. awarded plt. appealed. Bond entered by appealant and appealee.

p. 210

Judgmt. agst Lt. Coll. Danl. Clark sherr. failing to produce Thos. Mudgett debt at June court last in a suit for debt of Coll. Thos Swan plt for 834 lbs. tob.. The sherr. having produced Mudgett, judgmt is voided.

Thos. Mudgett debt. confesses Judgmt to Coll. Thos. Swan plt. for 834 lbs. tob.

p. 210 cont.

Jno Coggan deft. arrested in the suit of Robt. Bolling plt. who in Feb. 1675 obtained judgmt. agst. the deft. for 420 lbs. tob.. An order to Thos. Moriton sub-sherr. to Coll. Jno. Eppes, was executed but later Coggan was released & discharged. An investigation is ordered and Coll. Eppes is subpoenaed to next court.

Robt. Flint confesses judgmt. to Maj. Jno. Stith for 444 lbs. tob..

Mr. Thos. Blayton did ask the court if he should enter his son a tithable but the court took no cognizance.

Upon the pet. of Wm. Harrison, Jr. it is ordered that before Christmas, Mr. Jas. Minge with Coll. Edw. Hill make survey of land in dispute between Wm. Wilkins & sd. Harrison, otherwise to employ Mr. Ligon.

Pres. Sept. 15.

Coll. Edw. Hill: Maj. Jno. Stith: Mr. Jno. Drayton: Capt. Fran. Poythris.

p. 211

Admin. is granted on the estate of Tobias Hallford late of the Par. of Westover dec'd, to Ann the relict. Security.

Thos. Strong & Joan his daughter with her consent, indenture of apprenticeship to Coll. Edw. Hill for 8 years until 21. Hill to furnish clothes, lodging and diet, at the end of the time she to have 2 suits of apparel, 2 barrels of corn, a cow and a calfe for which she shall perform any and all services ordered.

signed Thos. Strong (seal)
Joan Strong, her mark

wit: Jno. Loweman
Jno. Ensall

p. 212

Appraisers of the estate of Tobeas Hollford dec'd to be chosen & sworn by Maj. Stith.

Admin. of the goods & chattels of Jno. Crabb dec'd late of the Par. of Waynoke is granted Rich. Smith who married the relict. Security.

Mr. Steph. Hamlin & Mr. Jno. Hamlin are appointed to appraise the estate of the sd. Crab.

John Hix complaint agst. Thos. Green for non-appearance at the last Orphan's Court being summoned. Ordered that the sherr. arrest him and produce him at next court.

July 17, 1677

p. 212 cont.

The inventory of the estate of Jno. Decent, dec'd is presented to the court and is found inconsiderable. Ordered that the relict have sd. estate for herself and child.

Edw. Redish plt. agst. Jas. Gunne deft., from the evidence it is ordered that the Gunn deft. deliver to Redish one cow proved to be the possession of Brighthood the wife of the plt also one iron pot, 2 wooden charyes and 2 platters belonging to Brighthood provided the sd. judgmt. shall not debarr Gunn from his action agst sd Redish (as marrying the sd. Brighthood) as Redish is indebted to Gunn as marrying the relict of Jeremy Woodhall dec'd whose admx. Gunn's wife is. Plt. ordered to pay own costs.

p. 213

Mr. Thos. Blayton, atty. of Jno. Sadler has sued Hen. Preston on the acct. due from Thos. Stevenson dec'd. (whose extr. sd. Preston is) to Mr. Jas. Minge for the sum of 752 lbs. tob. being on a Judgmt. obtained by the sd. Sadler agst. the sd. Stevenson and which the sd. Blayton declares he has allowed and disbursed. Ordered that the acct. be presented to next court and that Mr. Minge appear and audit it.

Thos. Blayton plt agst. Hen. Preston deft. the accts. being examined and same acknowledge by deft.. Judgmt granted for 2132 lbs. tob. to petr.

Jno. Hackley plt. agst. Jas. Mason deft. for defamation the deft. having accused the plt of hog stealing. Both freely agree to abide by arbitration of Coll. Edw. Hill and each agrees to stand by sd Hill's decision. Bond given.

p. 214

In the opinion of the Court Jno. Hackley is an honest person with good repute by his neighbors.

Judgmt. granted Hen. Lashly plt. agst. Lt. Coll. Dan'l Clark, sherr. deft. Hen. Leare not appearing though arrested in plt's action for trespass. Plt. awarded 480 lbs. tob. provided the sherr cannot produce sd. Leare at next court.

Jno. Weaver plt. and Wm. Colgill and Joane his wife, defts. the plt. charging that about February 4th last Joan did carry away from Weaver's plantation a number of things to the value of 2040 lbs tob & csk. with Wm. Colgill's knowledge and concealment. This Joane denied to Mr. Wm. Duke, a member of the Court, though Mr. Duke believed the defts. guilty. Referred Jury: Mr. Rich. Dodd foreman: Mr. Hen. Blankes: Mr. Jno. Drane: Mr. Curtis Land: Mr. Hen Preston: Mr. Jno. Hix: Mr. Jonas Lyscomb: Mr. Jno Harrison: Mr. Jno. Tate: Mr. Jno. Whit: Mr. Jno. Turbyfield: Mr. Nevet Wheeler.

p. 215

Hen. Burton for comission of admin. upon Michins estate deferred to next court.

Judgmt. granted to Rich. Hill plt. agst. Lt. Coll. Dan'l Clark, sherr. for 400 lbs. tob. for non appearance of Jno. Browne deft. in an action for debt.. Void if Sherr. produces deft.. Attach. gr. sherr. on Jno. Browne.

Attachm't granted the Sherr..

Jno. Coggan deft. returned non est. investus to the suit of Rich. Hill plt. for 1600 lbs. tob. & csk. & 2 cows.. Attachmt. granted plt. agst. deft.

p. 216

Mr. Thos. Blayton promises to appear at the next court for Jno. Banks deft to answer the suit of Mr. Wm. Duke plt.

Action of Rich. Hill plt. agst. Jno. Gallows deft. is referred to next court.

Upon the petition of Susannah, a free negro woman that she be exempted from taxes and the court being informed of her strength and ability refuses petition.

Non-suit granted Elias Osborne deft. agst. Nevet Wheeler plt. failing to file his pet. according to law.

In the suit of Jeeter Weaver plt. & Colgil and Jane his wife defts. verdict for the defts.. Judgm't awarded the defts against which the plt. appeals.

Upon the pet. of Nevet Wheeler agst. Capt. Wm. Rollinson upon a bill for 1 hhd. tob. weighing 400 lbs. due 19 Sept. 1676 provided that Will Sanders was still living, which is acknowledged by sd. Rawlinson. Judgmt. is granted sd. Wheeler if it is proved Sanders was still living then.

p. 223

(Pages 217-222 torn away and we won't know if Will Spencer was alive and Rollinson lost the wager for it sounded like one. Ed.)

Having had council of Honorable Governor & Council with general character & the loyalty and ability of the bearer hereof Wm. Archer I do therefore appoint the sd. Wm. Archer to be the Clerk of the County Court & direct you to receive him. An in so doing you will oblige.

signed Thos. Ludwell

p. 223 cont.

The letter was directed as follows:

To the Worsh. His Magst. Justices of the Peace for Charles City Co./
per. sevt.

(I am sorry for the change. Peter Field wrote a better hand. Ed.)

Richard Hanson gives to his son-in-law Alexander ffowler one bay mare
filly with her increase 1 Oct. 1677. Acknowledged 3 Oct. 1677.

Rebecca Harrison acquits Thos. Epes, Jr. of liability arising from the
Judgm't of 4000 lbs. tob. & csk against the Rebecca's son Gabriel
Harrison, and which penalty Rebecca assumes 21 Apr. 1675.

Signed: Rebecca Harrison
Wit.: Christopher Harrison
Mary Malloone

p. 224

26 Sept. 1677: John Stith & Jeane Stith, his wife, deed of sale to
Thos. Gregory & Joseph Parsons Jointly, a tract of land held jointly
between Samuel Eale dec'd and the aforesd. Stith until divided by sur-
vey of Mr. Jas. Minge of sd Stith's part. Jno. Stith lets unto Thos.
Gregory & Joseph Parsons the land within his survey, to have and to
hold, by Jno. Stith and Jane his wife as fully as recited in the pat-
ent. (and so on for two pages. Ed.)

p. 225

Wit.: Walter Hines
Jno. Stith, Jr.

p. 226

Court at Westover
7 Nov. 1677

Pres. Col. Edw. Hill: Maj. Jno. Stith: Mr. Wm. Duke: Capt. Thos. Mallory:
Capt. Dou. Lewellin: Capt. Fra. Poythress.
This court having information from Mr. Wm. Archer the pres. Gent. Clerk
through Secy. Thos. Ludwell, Esq. of the decease of Sir Wm. Berkley, Gov.
& Capt. Gen'l of Virga., that the Justices ought not to sit until new
commissions are issued and Mr. Archer cannot attend this court, the
court chooses Peter Field to serve this present court as so the business
will be authentick to keep the records in his custody, and that all
action & summons be served by Sherr. and the security stand in power
until further order.

p. 227

A Court at Westover
19 Nov. 1677

Pres. Col. Edw. Hill: Maj. John Stith: Mr. Thos. Grendon: Capt. Thos. Mallory: Mr. Jno. Drayton: Capt. Fra. Poythress: Mr. Wm. Duke: Capt. Dan. Lewellin.

The commission for the Justices of this Court issued by Gov. Herbert Jeffreys, Esq. bearing date 5 Nov. 1677 was read and ordered to be recorded.

p. 228

The commission by Gov. Herbert Jeffreys of the Gentlemen Justices for Charles City county recites the orders of King Charles I of 28 June 1622 for the establishment of inferior courts; the Act of Assembly of 2 Mar. 1661 for their continuance; the order of the Gen'l. Court that two persons more be added; therefore because of confidence in the last appointed Justices they are re-appointed and commission issued for Coll. Edw. Hill, Coll. Jno. Eppes, Lt. Coll. Dan Clark, Capt. Thos. Mallory, Capt. Francis Poythres, Mr. Thos. Grendon, Mr. Wm. Duke, Maj. Jno. Stith, Mr. Jno. Drayton, Capt. Dan. Lewellin.

signed: Herbert Jeffreys

p. 229

Mr. Thos. Grendon being added to the commission had the oath of allegiance & supremacy with the oath of a Justice of the Peace administered to him.

Present Coll. Eppes also.

Probate of the last will of Edw. Ardington, dec'd., late of the Par. of Jordans, proved by oath of Jno. Burge & Thos. Browne, is granted Anne, the relict.

Upon pet. of Robt. Ireland, it is ordered that Henry Blanks deliver Joseph Burnet, orphan of Jno. Burnet, dec'd, to sd. Ireland to whose guardianship, tuition & care the court commits him and orders Ireland to report the estate, at next court.

Mr. Jas. Bisse was granted the admin. of the estate of Thos. Turringham, he being greatest creditor, it to be sold at public outcry to pay the debts.

Ordered that Jno. Coggan & John Howell appear at next court to prove the will of Wm. Winkfield, dec'd, and that Wm. Dobson be summoned to give security for the estate of the orphans.

p. 230

Probate of the last will of Sam. Phillips, dec'd, late of the Par. of Westover, proved by Walter Hinde & Nich. Lilly is granted to Susannah, the relict.

Admin. of the estate of Rich. Smith, dec'd, late of the Par. of Westover is granted to Thos. Bodinall as greatest creditor.

Henry Newcomb complaining that Abr. Colson owes him 717 lbs tob. and has moved out of the county. An attachm. is granted agst. Colcon's estate, sd. Newcomb to have admin.

Wm. Sans ordered to examine the estate of Isaac Creswell and present a true inventory & account to the next court.

Mrs. Francis Drew affirms that on order from the court Mr. Nich. Wyatt & Mr. Rollinson met at the house of Mr. Elias Osborne to inventory the estate of Philip Limbrey, dec'd, as presented to them by sd. Osborne, Nothing is left of sd. estate of any value. An inventory was taken in behalf of the orphans that Elias Osborne may give account of the estate which he had and immediately to pay in tobacco for the land and past rent. Mr. Osborne pretending an acct. agst. the sd. estate, it is ordered that he pay Mrs. Drew all rent that is due from the plantation of Mr. Limbrey's estate, according to an inventory declared by Osborne in court and recorded. Several horses and mares running loose. Mrs. Drew is to take. Mr. Osborne is to exhibit his acct. to the next court and if justified, be deducted from Limbrey's estate.

p. 231

Jno Bridges, servant to Jno Baxter, is judged 14 years old.

Chas. Hill, servant to Capt. Dan. Lewellin, is judged 14 years old.

Upon pet. of Jno. Leigh showing that he came into the county a servant to Capt. Thos. Mallory for the term of 4 years, and having served 2 years longer than by the agreement he being sold by Capt. Mallory to Mr. Jno. Poythris who yet claims a longer time of service. The court having considered a certificate from the Corp. of Virginia produced for 4 years it is ordered that Jno. Leigh remain with Mr. Mallory until the next court when Mr. Poytress & Capt. Mallory may appear & show reason for his longer service; if no reason sd. Leigh to be free.

p. 232

Hester Foster complains of Wm. Crabb, attorney, of Rowland Place, Esq.. Under pretense of debt due from her dec'd. husband, seized her house & tob. that nothing is due sd. Place but one year's rent. The court orders that last year's rent be paid out of this crop and that sd. Hester have the remainder.

An inventory of the estate of Dorrill Yong being produced in court is adjudged not worthy of notice.

p. 232 cont.

Wm. Irby serving Doct. Jno. Coggan with a scire facias, one nickell is granted.

Coll. Edw. Hill serving Jno. Smith with a scire facias to renew judgm't by court in 1674 for 585 lbs tob. in all 614 lbs. tob.. Smith knowing no reason why judgm't should not pass, the court ordered sd. paid.

p. 233

Col. Edw. Hill having sued Jno. Smith for debt, Robt. Bolling security, judgem. is granted against sd. Bolling.

Judgm't granted Coll. Edw. Hill agst. Robt. Bolling as security for Wm. Gower for 900 lbs. tob. & esk. with costs.

Coll. Edw. Hill plt. & Jas. Howard deft., Judgm't confirmed upon a Scire Facias agst the deft. for 627 lbs. tob..

Samuel Neale complaining of hard usage from Jonas Luscum, and waste of the estate left him by his father, etc. petitions to name his own guardian and chooses Maj. Jno. Stith. Maj. Stith is ordered to take into his tuition & care sd. orphan and his estate. Security.

Mr. Wm. Duke informing agst. Mr. Osborne for words spoken by sd. Osborne, is dismissed with a warning.

Mr. Jno. Drayton having proved the importation of 20 pers. into the colony on oath of Mr. Thos. Grendon, Listed: Pet. Wyke: Jno. Kebssall; Ann Presthood: Mgt. Drownwell: Jno. Walton: Jno. Browne: Wm. Ethridge: Christo. Crisp: Ann Chuewege: Ephr. Coomes: Jno. Shaw: Jno. Smith: Susannah Raye: Jno. Byrd: Isaac Baites: Rachell Baites: Jno. Hedgepath: Jno. King: Ann Walton: David: these being assigned by sd. Grendon to sd. Drayton. Jno Drayton has also proved 3 more rights on oath of Edw. Richards: vz. Robt. Athorne: Jno. Brocke: Wm. Laws.

p. 234

Jno. Turner has proved rights for importation of 6 per. assigned by Capt. Thos. Mallory: vz. Christian Addams: Wm. Lambert: Jos. Perry: Margaret Case: Jno. Stanley: Thos. Mallory.

Anne Yong gives to her 3 sons, Dorrill, Jno., Thos., a heifer, a mare and a gun each. Registered.

Wit: Fra. Poythris
Jno. Stith.

p. 235

Power Attorney from George Marable to Wm. Randolph to do all things necessary in the suit pending in the next court at Charles City, 27 Oct. 1677.

Wit: Wm. Farr
Thos. Cocke

Power of Attorney from Mary Ledford to Wm. Randolph in anything depending agst. her husband, Wm. Ledford, and as custodian of his estate 20 Sept. 1677.

Wit: Jno Stith
Jno. Clough

pgs. 236: 237: 238

Where as at the death of Jno Barker of Flowerdew hundred all the tract of land known as Flowerdew hundred did descend to Sarah then the wife of Richard Taylor, dec'd, and now the wife of Robt. Lucy, and to Elizabeth the wife of Phillip Lymbry, sister and co-heir with the sd. Jno. Barker who since sd. Barker's decease have held the land in co-partnership at inconvience to themselves and detriment of the land. Now the sd. Lucy & wife and the sd. Lymbry & wife do wish the land divided and have appealed to the court by mutual consent. Coll. Robt. Winn & Lt. Coll. Geo. Jordan are empowered by court order dated 3 Apr. 1677, to do so. Jas. Minge, surveyor, has been instructed to lay out the bounds dividing sd. Flowerdew hundred into two equal parts, the north land bordering the James River and Macock's land belonging to Dorothy, wife of Hubbert Farrel; the other being a line of stakes parting the sd. Flowerdew hundred in two parts. The south part is bordered by the east side of James River by Flowerdew hundred Creek, by Macock's and by the above line of stakes. A plan was drawn of the two halves, these 2 plans framed, put into a hat, a child drew them out and gave one showing the north part to the sd. Robt. Lucy & Sarah, his wife, and the south part to Phillip Limbry and Elizabeth, his wife, the parties having agreed to abide by the division & the drawing. 4 April 1673.

Wit: Robt. Wynn
Thos. Liggon
Jas. Minge
Thos. Blayton

p. 239

Pay out of Minchin's estate ordered to Edw. Gilley & his wife for 4 days in giving evidence on the will of Wm. Minchin, dec'd.

Rich. Dodd acknowledges Judgm't to Coll. Edw. Hill for 250 lbs. tob. per. acct..

p. 239 cont. The difference between Coll. Edw. Hill & Redish(?) Corder & Blanks referred to next court.

Attachm. granted Pet. Field upon the estate of Tobias Hallford, dec'd, for 496 lbs. tob..

James Mason & his wife summoned as witnesses in the suit of Gilbert Plat, plt. & Bernard Sykes, deft., not appearing are fined.

The difference between Mr. Gilbert Platt plt. & Mr. Bernard Sykes deft. concerning a servant man is by joint consent referred to the arbitration of Coll. Edw. Hill & Mr. Tho. Grendon, and in case of difference, to chose an umpire.

Judgm't granted Coll. Edw. Hill agst Henry May 1042 lbs. tob..

p. 240

The difference between Coll. Edw. Hill plt. & Henry Maye deft. about plundered goods is by mutual consent referred to the arbitration of Maj. Jno. Stith & Mr. Thos. Grendon at next court. Plt. & deft. agree to abide by the judgm't and give 10,000 lbs. tobacco each.

Wm. Lambson acknowledges judgm't to Coll. Edw. Hill 949 lbs. tob..

Judgm't granted Coll. Edw. Hill agst. Jones Luscomb for 1984 lbs. tob. & csk. for bill due.

Judgm't granted Coll. Edw. Hill agst Wm. Gower for 902 lbs tob. by bill. If paid before next court Coll. Hill is to pay costs.

Judgm't granted Coll. Edw. Hill agst Henry Harman for 445 lbs. tob..

Attachmt. granted Coll. Edw. Hill on the estate of Anne Hollford for 1003 lbs. tob..

The difference between Coll. Edw. Hill & Capt. Fra. Poythres & Jno. Woodlif is referred by mutual consent to arbitration of Maj. Jno. Stith & Capt. Thos. Mallory.

Judgm't granted to Elias Osborne agst. Rich. Smith for 520 lbs. tob..

p. 241

Mrs. Mary Ligon plt. & Mr. Jno. Drayton deft. for 966lbs. tob.. Judgm't granted unless Drayton show next court reason for discount of 404 lbs. tob..

The difference of Walt Shipley & Gower referred to next court.

Mr. Jno. Randolph petitions the court that 2 witnesses be sworn in his suit agst. Michael Ross. One not appearing fined.

Attachmt granted Geo. Woodlif agst Ralph Poole for 1000 lbs tob..

Sept 20, 1877

p. 241 cont.

Judgm't granted Mr. Rich. Hill agst. Jno. Galles for 2068 lbs tob. according to bill.

Capt. Robt. Morris complaining that Wm. Carleton, his carpenter mate, had left the ship, the court orders sd. Carleton to return to his employment and should he refuse the Sherr. to keep him until he agrees to return.

p. 242

Thos. Chapple agst. Capt. Fra. Poythres for land Poythres' possession. Dismissed.

Judgm't agst Sherr. for 400 lbs. tob. in action of Mr. Rich Hill agst. Jno. Browne, sd. Browne not appearing.

Non-suit granted in case of Adam Ivey plt & Rich. Wathen deft., a jury finding no cause.

Jno. Tate granted attachmt. agst the estate of Hen. Lashley for 400 lbs. tob..

Attachment granted Ralph Poole agst. the estate of Wm. Ludford for 417 lbs. tob..

Attachmt. granted Jno. Harrison, agst the estate of Wm. Ledford for 890 lbs tob..

Upon the pet. of Jno. Bishop for the cattle given by deed of Mary Rose to her grandchildren, the children of sd. Bishop, Mr. Wm. Duke, Mr. Thos. Blayton & Mr. Nich. Wyatt are to take the record and accordingly set apart sd. cattle for the deed and report. No attachment be served agst. sd. estate until the deed of gift is secured.

Attachmt. granted Jas. Gunn agst. the estate of Capt. Griffin for 700 lbs. tob..

p. 243

Thos Grendon showing himself greatest creditor to the estate of Wm. Wilkinson, admin. is granted sd. Grendon.

Geo Marble plt. & Wm. Pride deft. concerning oxen killed by order of sd. Pride, he denying it, a jury was impaneled. Verdict: Found that by order of Wm. Pride the oxen were killed and sd. Pride shall pay 2200 lbs. tob. damages. Deft. appeals.

p. 244

Ruth Pully petitioning for her freedom as having served her time, the record shows she had a bastard child and was sentenced to 2 more years' for that. She is ordered to complete the 6 years, 4 by indenture and 2 for sd. bastard child.

Thos. Hernison granted an attachmt. agst. Wm. Ludford for 400 lbs. tob. & csk..

Elias Osborne plt. on behalf of the Par. of Martin's Brandon agst. Jno. Drinkwater referred to next court, deft. giving security for appearance.

Difference of Turner agst. Epps referred to next court.

Thos. Goodgam plt. & Wm. Wilkason deft., it is ordered that deft. pay one-half of all costs according to a bond.

Coll. Edw. Hill renews attachmt. for a colt that came of a mare of Seabright.

p. 245

Morgan Meching plt claiming that Jonas Luscomb deft. has taken a horse of plt. which he uses and plt. has never seen since and prays damages. This the deft denies so a jury is sworn, hears the evidence and returns a verdict for the plt. with damages of 800 lbs. tob..

Wm. Crosse, Zacheus Ellis & Harman Bosman being summoned as witness in the case of Meching & Luscomb are allowed 5 days pay.

p. 246

Rowland Place of Buckland, James River, Va. appoints Mr. Bernard Sykes of James River his lawful attorney to collect all accounts due him in Virginia & Maryland and to receive payment in money, wares, "Merchandize", tobacco, pork, corne, Beaver, furs, skinns, hides, pipe staves and all other affairs of sd. Place and to sue, attach, imprison as if done by sd. Place and to execute any business. 6 Aug. 1677.

Wit: Robt. Morris
Wm. Moore
Dan'l Parke
Jno. Conset

Nov. 22, 1677

Ordered that Capt. Dan'l Lewellin be paid 500 lbs. tob. out of estate of Wm. Wilkinson, for coroner's inquest.

p. 246 cont.

Curtis Land asks guardianship of the orphans of Jno. Burnet. Granted. The overseers of Burnet's will & Mr. Rich. Moseby are ordered to give Curtis land the orphans' estate and he to give an account with security.

Ordered that Capt. Mallory be paid 500 lbs. tob. out of the estate of Capt. Thos. Grendon for coroner's inquest.

p. 247

An acct. of 800 lbs. tob. in default of Coll. Jno. Epps when sherr., which else must be borne by Coll. Epps or by the public and to avoid precedent by the one & to ease the other it is ordered that the Justices of the bench (vz) Col. Hill, Capt. Mallory, Capt. Poythres, Maj. Stith, Mr. Grendon, Mr. Duke, Capt. Dan Lewellin & Coll. Jno. Epps, do each person bear equal amount being 100 lbs. tob. each.

Also that Capt. Mallory take an acct. of the tob. damaged and take it into his possession to be accounted for (if requested) under oath.

Upon petition of Wm. Carlton, mariner, ordered that Carlton give security for his appearance at next court to prosecute Capt. Robt. Morris.

Ordered that Capt. Wyatt be paid 500 lbs. tob. out of the estate of James Thomson for coroner's fee.

Ordered that Capt. Fra. Poythress be allowed his disbursement for several things impressed in the late troubles by the Parrish.

Ordered that Mr. Thos. Grendon have certificate to the first assembly for a wherry impressed in the late trouble.

p. 248

Jno Baxter having given evidence agst. Artho. Haviland before the Governor & Council, attending 3 days and 2 days going & coming. Ordered that Arthur Haviland pay unto sd. Baxter for his loss of time.

Admin. of the goods & chattels of Wm. Minchen, dec'd, is granted Hen. Burton.

p. 249

Ordered that 196 lbs. tob. per pole (poll?) be levied upon each tithable in the county there being in all 687 according to the lists and the sherr., collect same & pay to the several person according to their disbursements mentioned in the following lists of the levies, he giving security.

p. 249 cont.

The Levies:	lbs. Tob.
Coll. Edw. Hill: Salary as Burgess & Misc.	5325
Capt. Nich. Wyatt, Salary as Burgess & Misc.	4025
Mr. Minge, Misc.	1100
Maj. Stith: Salary as Burgess & Misc.	9066
Wm. Wilkins: 1 insolvent	94
Lt. Coll. Dan Clark: Salary as Burgess	9600
Capt. Wyatt: boat used as Burgess	1100
Mr. Thos. Grendon: Salary as Burgess	5313
Capt. Wm. Byrd: Salary as Burgess	2760
Capt. Mallory to repay lost shortage	200
Jno. Hobbs: 1 Wolf's head	200
Thos. Huckaby: for sweeping court house	300
Peter Field: acct.	672
Jno. Lowerman: for the Gibet	50
Isaac Perkins: 1 Wolf's head	200
Cuthbert Williamson: 1 Wolf's head	200
Henry Blanks	100
Edw. Jorden	150
Capt. Wyatt: as coroner twice	1000
Thos. Wood: 1 Wolf's head	200
Rich. Pace: 1 Wolf's head	200
Wm. Thomkins: 1 Wolf's head	200
Coll. Epps	3166
Thos. Huckaby: 2 yrs. ferriage	2000
Jno. Cumberland: 1 wolf's head	200
Jas. Gunn	100
Coll. Edw. Hill: for prosecuting Sherwood	1000
Maj. Stith for prosecuting Sherwood	1000

p. 250

Coll. Hill attendance at association	1000
Capt. Wyatt, charges as Burgess	3300
Mr. Blayton, half charges as Burgess & boat	2650
(Secretery for prosecuting Sherwood	245
(Abated for public's credit of boarders	5000
(to salary of 52706	5270

The public's levey ratified by the assembly this year is 110 tob. per pole, the county levy 86 lbs. tob. per pole is in whole 196 lbs tob. per pole

p. 251

At a Court at Westover
3 Dec. 1677

Pres.: Coll. Jno. Epps: Capt. Thos. Mallory: Capt. Fra. Poythress:
Mr. Thos. Grendon: Maj. Jno Stith.

p. 251 cont.

Upon petition of Maj. Jno. Stith showing that Edw. Emison being a poor man & by your petitioner supported near 20 years, has lately died and left a small estate, Maj. Stith desires the benefit. Granted and all persons having acclaim shall give name to Maj. Stith.

Meredith Davis declared that Edw. Emison did make a verbal will and bequeath unto him, sd. Davis, his estate. Witnesses affirmed no such matter. Estate produced and examined given to Maj. Stith.

Coll. Edw. Hill plt. & Jno. Smith deft., the deft. not appearing, order was granted agst. Robt. Bolling security. He requests respite until next court.

p. 252

On 3rd Oct. last Mr. Robt. Bolling plt. obtained Judgm't agst. Mr. Jno. Coggan deft. for 426 lbs. tob., provided sd. Coggan did not appear at next court. The deft. not appearing Judgm't confirmed.

Coll. Edw. Hill nominates Mr. Wm. Randolph his attorney and desires it be recorded.

The difference between Mr. Platt plt. & Sykes deft. referred to next court.

Ordered that the suit between Hen. Lesard plt. & Hen Lashley deft. be dismissed.

The suit between Walter Shiply, plt. & Mr. Wm. Gower being referred to this court it is ordered that if the deft. does not bring sufficient evidence to next court to refute the suit that the plt. have Judgm't agst. the deft..

Difference between Jno. Turner & Coll. Jno. Epps referred to next court.

Suit of Jas. Barrett plt. agst. Mrs. Eliz. Tatum deft., the deft. not appearing Judgm't is granted agst. the sherr.

Judgm't granted Maj. Jno Stith plt. agst. Wm. Irby deft. for 919 lbs. tob. upon account proved.

Assignment from Meredith Davis to Mr. Thos. Grendon of 3 pair of handcuffs & 4 pairs of bolts for the county prison. Ordered assignment be confirmed for next levy court.

p. 253

Roger Pointon not appearing when summoned to give evidence in the suit of Addam Ivey plt. & Rich. Wathen deft. is fined 300 lbs. tob. to be pd. to Ivey.

p. 253 cont.

Judgm't granted to Coll. Thos. Swann plt. agst. Jas. Thrale deft. for 1900 lbs tob & Mr. Jno. Drayton, Jr. appearing the same is due.

Judgm't granted Ralph Poole plt. agst. Edw. Norwood deft. for 418 lbs. tob. due by note.

Attachment granted Mr. Jno. Drayton, Sr. for 874 lbs. tob. agst. Anne Hollford admx. of the estate of Tobias Hollford, dec'd.

The suit of Isaac Hill plt. agst. Mr. Rich. Cocke deft. is dismissed, plt paying costs.

Difference between Edw. Richards plt. & Nevt Wheeler, referred to next court.

Difference between Edw. Reddish plt. and Jas. Gunn, deft. is referred to next court.

Admin. having been granted Thos. Mudgett on the estate of Sam'l Johnson dec'd and Wm. Vaughn petitioning for sd. admin. and to void Mudgett's order, the court having considered the evidence confirms Mudgett as administrator.

p. 254

Mr. H. Batt & Jno Maye to take an acct. & inventory of the estate of Sam. Johnson dec'd and report to next court.

Nevt Wheeler arrested Elias Osborn (as marrying the relict of Phillip Limbrey, dec'd) to show reason why a Judgment should not be executed by the Wheeler agst Limbry dec'd. Osborne not appearing to show reason Judgm't is granted Wheeler agst estate of Limbrey, dec'd. in the hands of Elias Osborne.

Sam Willcock plt. petitions for discharge from the service of Nath. Jordan deft., claiming that plt. not being able to read signed an agreement for a longer term than agreed and the small consideration paid. The plt. exhibited the writing showing that a valuable consideration was paid. Willcock ordered to serve his time.

Wit: Rich Moseby
Jno. Willson

p. 255

Article of agreement exhibited between Sam Willcock & Nath. Jordan: Sam Willcock agreed to live with Nat. Jordan from the 4th June 1677 until 25th Dec. 1678 as a hired servant, to do anything the sd. Nath. Jordan assign him which is lawful to do to satisfy a debt of 1500 lbs. tob. owed by sd. Wheeler to sd. Jordan. 4 June 1677.

p. 255 cont.

Wit: Rich. Moseby
Jno. Willson

Eusebius King Power of atty. to Wm. Randolph for any and all business at Westover Court in Charles City Co. 2 Aug. 1677.

Wit: Robt. Bolling

John Piggott power of atty. to Wm. Randolph to prosecute Jno. Smith in an action for debt at next court at Westover 1 Dec. 1677.

Wit: Henry Gee
Jas. Eke

Ordered that Nath. Jordan deliver the whole estate of the orphans of Jn. Burnet to orphans' several guardians appointed by the court.

p. 256.

Attachmt. granted Coll. Edw. Hill agst. Thos. Thring for 410 lbs. tob. and 36 lbs. due by 2 accts..

Attachment granted to Jno. Drayton, Jr. attorney for Thos. Swann for 890 lbs. tob. agst. the estate of Wm. Ludford.

Attachmt. granted Mr. Jno. Drayton, Sr. agst. Capt. Wm. Rollinson deft. for 331 lbs. tob..

Judgm't granted Mr. Wm. Duke agst. Richard Wathen deft. for 6 bushels of wheat, 1 bushel and a pocke (This was still used in my childhood by the farmers who drove to town with produce to peddle, pronounced poke. Ed.) of Indian corn and one new sack-bag due Mr. Duke and sd. Wathen as he was so much short in the grain ground at his mill.

Judgm't granted Mathew Turner plt. agst. Henry Preston deft. for a cow & calf left the plt. by Geo. Barefoot dec'd (whose relict the sd. Preston married), also for 70 lbs. tob. due by acct..

p. 257

Elizabeth Barnet plt. sues Thos. Mudgett deft. for 300 lbs. tob. being 12 days work at 25 lbs. per day but Mudgett claiming that Barnet had agreed to build a house but being by the hand of God taken away before he had proceeded further than above sd. where by the deft. was damaged. The court compromised and awarded 100 lbs. tob..

Judgm't awarded Wm. Haskins plt. agst. Jno. Lee deft. for 492 lbs. tob..

p. 257 cont.

Thos Ledbiter def't. being returned in an action for debt for 1930 lbs. tob. and 166 lbs. of pork, attachmt. is granted Eusebius King plt. agst. the def't..

Coll. Edw. Hill plt agst. Corder, Reddish & Blanks def'ts. referred to next court.

Dec. 4, 1677

Pres.: Coll. Eppes: Mr. Grandon: Maj. Stith: Capt. Mallory.

p. 258

The last court ordered Elias Osborne to be at this court with security and an inventory of Philip Limbrey's estate in Osborne's hands, he not appearing he is ordered arrested.

An attachm't granted at the last court to Jas. Gunn agst. the estate of Robt. Griffin executed in the hands of Maj. Jno Stith agst. sd. Griffin is extended to next court.

Wm. Randolph plt. agst. Mich. Rosson def't. the def't. not appearing referred to next court.

Smith plt. agst. Colgil def't. refd. to next court.

Attachment granted to Coll. Edw. Hill agst. Nich Mosier def't for 848 lbs. tob. due on a judgm't in Jan. court 1675.

Coll. Edw. Hill renews Judgm't agst Nich Mosier for 848 lbs. tob..

Wm Carleton def't. has a non suit awarded for the non-appearance of Roger Garth, def't..

p. 259

Rowland Place Esq. has judgm't agst. Jas. Cooper def't. for 754 lbs. tob..

Jas. Howard def't. has a non-suit awarded agst. Elias Osborne.

Roland Place Esq. has Judgm't agst Jonas Luscomb as marrying the relict of Thos. Balleston for payment of 904 lbs. tob..

Judgm't awarded Sarah Gatley agst. Jonas Luscomb for 450 lbs. tob..

Judgm't awarded Maj. Jno. Stith agst. Jonas Luscomb 317 lbs. tob..

Attachmt. granted Mr. Thos. Grendon plt. agst Anne Cole for 1766 lbs. tob. due by note of Edmond Cole dec'd.

Dec 3, 1677

p. 259 cont.

Francis Hill plt. in suit of debt. agst. Bernard Sykes deft. as atty. of Jno. Bland but Sykes pleads that he is not Jno Bland's attorney. Suit dismissd. But Fra. Hill plt. pleads that Jno. Bland's estate owes sd. plt. 1400 lbs. tob. for work done by his predecessor.

p. 260

Wm. Minchin desired an attachment agst the estate of Jno. Bland. Granted.

Judgm't granted Maj. Jno. Stith agst. Susan Phillips admx. of Sam Phillips dec'd for 986 lbs. tob..

Judgm't awarded Jno. Piggot plt. agst. Jno. Smith for 358 lbs. tob..

Attachment granted Capt. Dan'l. Lewellin plt. agst Jno. Smith deft. for 58 lbs. tob. & csk..

Attachment granted Mr. Chandler plt. agst. Jno. Smith deft. for 530 lbs. tob. & 144 lbs. tob. to be paid in shoes and 7 pairs of french falls.

Attachment granted Jas. Gunn plt. agst Jno. Cogan deft. for debt 495 lbs. tob..

The difference between Jno. Turby plt. & Mr. Anth. Wyat deft. referred to next court.

Roland Place Esq. has Judgm't agst. Jno. Drayton, Sr. for the penall sum of 18,166 lbs. tob. & csk. upon bond for payment of 9083 of which sum appears on the back of the sd. bond: to be paid 807 lbs tob & csk..

p. 261

Difference between Rowland Place Esq. and Mr. Antho. Wyat referred to next court.

Attachment granted Mr. Thos. Grendon agst. the estate of Mr. Sam Blades for 995 lbs. tob..

The suit of Mr. Thos. Grendon agst. Adam Tapley referred to next court.

Coll. Jno. Epps granted non-suit agst. Mr. Jno. Pleasants plt., the plt. not appearing.

Rowland Place, plt. awarded Judgm't agst. Wm. Hooper deft. for 1337 lbs. tob. & csk.

p. 261 cont.

Bernard Sykes denying that he is attorney for Giles Bland, granted a non-suit in action by Meredith Davis plt. but because of debt, grants plt. an attachment on sd. Bland's estate for 15,000 lbs. tob..

Wm. Carleton plt. granted judgm't agst. the sherr. for 5,000 lbs. tob. & esk. due to non-appearance of Capt. Robt. Morris.

Wm. Carleton deft. has non-suit agst Grovener Snees plt. for non-appearance.

Wm. Carleton deft. has non-suit agst. Thos. Lodington plt for non-appearance.

Wm. Carleton deft. has non-suit agst. Capt. Robt. Morris plt. for non-appearance.

p. 262

Attachment granted Rich. Wathen plt. agst. the estate of Wm. Ludford deft. for 1571 lbs. tob..

Wm. Debson, with consent of his wife, gives his two step-sons Jarvis & Robert Winkfield to their grnadfather Jarvis Dix for as long as the law provides and at expiration of their time to give them whatever the court considers "convenient." 16 Nov. 1677.

The above deed was exhibited in Court and registered 4 Feb. 1677/78
Wm. Archer Ct. Clerk. Court adjourned to 3 Feb. 1678.

p. 263

Court At Westover
4 Feb. 1677/78

Pres.: Coll. Edw. Hill: Coll. Jno. Epps: Maj. Jno. Stith: Mr. Thos. Grendon: Capt. Dan'l Lewellin.

Maxmilian Mansfield, Thos. Mansfield & Easter Mansfield appear and declare they have received their whole estate from their mother and guardian Mary A. Jones and acquit & discharge the Justices of the Court, their mother & Mr. Jas. Walllice, security. His bond to be cancelled.

Wm. Taylor, servant to Jno. Joan is adjudged 17 years old.

Elizabeth Sharp petitioned the court that having paid her security prays release which the court grants but reconsidered & refused.

Whereas Jonas Liscum has delayed delivery of the estate of Sam'l Hale, orphan, to Maj. Jno. Stith as by court order. Ordered that he do so forthwith.

p. 263 cont.

Ordered that the estate of Isiaah Crestwell be appraised by two honest men and inventory taken, 20 shillings worth of tobacco deducted for the burial charge & public dues and the remainder paid Mr. Rich. Liggon towards satisfaction of a Judgm't obtained by Mary the relict & extrx. of Coll. Thos. Liggon agst. sd. estate for 520 lbs tob., the above 20 shillings to go to Wm. Sands for his trouble in Crestwell's sickness.

p. 264

Edw. Milton of Weynoke, dying and leaving an orphan daughter, Jas. Lawrence petitions the court that he may have the tuition of her. Ordered that Lawrence take the estate of sd. orphan into his possession & pay all just debts due and the orphan to be bound to Lawrence.

Susan Phillips declares that she cannot give security as admx. for her dec'd husbands's estate and petitions the children be bound out. It is ordered that Maj. Jno. Stith take the estate into his custody give an account and bind out the children.

Granted to Elizabeth Draiton upon her husband's estate, admin.

In the suit of Wm. Carleton plt. agst. Capt. Robt. Morrice, the plt.'s attorney requests a day's delay.

Wm. Johns servant to Lt. Coll. Dan'l. Clark adjudged 14 years old.

Rich. Allen servant to Rich. Blank adjudged 14 years old.

Coll. Edw. Hill offers information agst. Manus Callaham a servant upon the 125 Act of Assembly for stealing a hog from Mr. _____.

p. 265.

Mr. Bernard Sykes asks for admin. of the estate of Edw. Melton, dec'd. but it has been given into custody of James Lawrence. Ordered that Lawrence give an inventory to the next court and reserve 100 bbls of corn and a suit of clothes for the orphan and the remainder to pay claims of Mr. Sykes declared to be 1471 lbs. tob. & 1 bbl. of corn.

The case of Capt. Robt. Morris plt. agst. Mr. M. Carleton deft. referred until the morrow so witnesses can be brought to court.

Jno Black confesses judgm't in behalf of Jno. Peterson deft. to Mrs. Judith Randolph 1502 lbs. tob.. Awarded.

Jno. Smith deft. confesses judgm't to Jno. Piggott plt. for 1040 lbs. tob.. Awarded.

The difference between Gilbert Platt plt. & Mr. Bernard Sykes deft. was referred to the arbitration of Coll. Edw. Hill & Mr. Thos. Grendon. They award Mr. Gilbert Platt plt. 1200 lbs. tob..

p. 265 cont.

Ordered that Elias Osborne forthwith give security for the estate of the orphans of Phillip Limbrey now in Osborne's possession and that his wife, _____ Osborne, appear at next court to give guardians account. Mr. Wm. Duke, Mr. Thos. Blayton & Capt. Nich. Wyatt are ordered to examine the account and report and Capt. Robt. Lucy to keep the orphans and sd. Osborne to remain in sherr. custody.

p. 266

Jno Burge married the relict of Samuel Hilman dec'd., brother of Thos. Hillman lately dec'd. left a small estate but no will. The sd. Burge petitions the court in behalf of the orphans of Sam'l Hillman as being entitled to sd. estate of Thomas: But Jno. Hillman brother to Thomas & Samuel also claims a right unto the estate. The court decides, after debts are paid that the sd. estate be divided into 2 parts and one share be given Jno. Hillman and the other half be for the orphans.

Judgm't granted Coll. Edw. Hill plt. agst. Jno. Highlady deft. for 400 lbs. tob.. The deft. appeals to Chancery but omits filing his bill so the sd. judgm't. is confirmed.

Upon request of Mr. Rich. Clark atty. of Mr. Jno. Bland of London, all action brought against sd. Bland's estate be referred to next court.

Non-suit granted Coll. Edw. Hill deft. agst. Jno. Crowley plt the court finding no cause for action.

The difference between Coll. Hill, Capt. Poythress & Woodliff is referred to the arbitration of Mr. Grendon & Maj. Jno. Stith.

p. 267

Chas. City Co.
4 Feb. 1677/79

At a court at Southwark for the County of Surry. 1 Jan. 1677
Pres.: Lt. Coll. Jordan: Capt. Barham: Capt. Swann: Mr. Harryson:
Maj. Browne: Mr. Merywether.

Judgm't confessed by Mr. Geo. Lee attorney for Mr. Elias Osborne to Coll. Thos. (?blotted) Swann for 2715 lbs. tob..

vera cop: Wm. Edwards Ct. Clk.
Surry Co.

These are to certify that no execution has been issued forth of this County Court office upon the within specified controversy. Jan. 25, 1677.

Test. Wm. Edwards, Ct. Clk.

p. 267 cont.

Admin. granted to Jas. Blasnour on the estate of his father Jas. Blasnour late in the possession of his mother, he giving security.

Elizabeth Weeks orphan is bound out to Jas. Gunter for the term prescribed by law.

Coll. Ed. Hill plt. agst. Wm. Gower deft for 1103 lbs. tob., Mr. Robt. Bollin for the deft. confesses judgm't for sd. debt to be paid 10 Oct. next.

Ann Halford admx. & extrx of her husband Tobias Halford cannot find security so the administration is transferred to Coll. Edw. Hill who give security.

Mark Harker servt. to Mr. Jno Pleasants judged 14 years old.

The weather being very bad court adjourned until the 14 inst..

p. 268

A Court at Westover

14 Feb. 1677/78

Pres.: Coll. Edw. Hill: Mr. Thos. Grendon: Maj. Jno. Stith: Capt. Dan Lewellin.

Admin. with will annexed granted Mrs. Hannah Duke on the estate of her late husband, Mr. Wm. Duke dec'd. proved by oaths of Jno. Terry & Thos. Stoner that Mr. Wm. Duke about four hours before he died did say he wanted Mrs. Hannah Duke to be his executrix.

Mr. Antho. Wyatt, Sr. petitions that Mahone Obryan be discharged as guardian of the orphans of Sam'l. Taylor dec'd. and that management of the estate and tuition of the orphans be given to sd. Wyatt, Sr., he giving good security.

Petition of Jno. Harding concerning the estate of Jno. Harris dec'd.. Ordered that Jno. Hodges, Nowell Hutchinson, and Maj. Jno. Stith appraise the estate and report.

p. 269

Wm. Jones petitions for the admin. of the estate of Jno. Maine dec'd. Ordered that the sd. Jones and the relict take inventory and report and if sd. widowdoes not object then the Jones shall have admin..

Elias Osborne desiring liberty to prosecute several accounts now depending it is ordered that he have liberty accordingly during this court time & no longer.

14 Feb 1667/78

p. 269

Thos. Goodgam because of his poverty & disability petitions to be excused from this year's levy. Granted.

Thos. Gregory showing that his servt. Thos. Potter ran away and was absent about 2 months which Potter admits.. Ordered to serve 9 months longer than his term. Other punishment withheld. Potter promising good behavior.

p. 270

Jno. Daniell servant to Jno. Shard judged 14 years old.

Admins. granted Mary Pace on the estate of Rich. Pace her dec'd husband.

The petition of Wm. Vaughan about the estate of Sam'l. Johnson is referred to the next court to allow time for an account & inventory.

In the case of Mr. Elias Osborne about the estate of Phillip Limbrey. Ordered that Mr. Jno. Drayton & Mr. Nicho. Wyatt examine and audit the account exhibited by Osborne and report.

Jno. Pleasants plt. agst. Coll. Jno. Eppes deft. for 1358 lbs. tob. is due by a bill evidently assigned to Pleasants by Bland's estate: without Coll. Eppes knowledge. Eppes had a discount against the bill from Bland. Maj. Jno. Stith being collector of Westover Par. is ordered to pay the Colonel's fees and Pleasants to sue Bland's estate.

p. 271

Jno Nibblet, atty. of Jno Rooks, confesses judgm't to Mr. Thos. Blayton for 1170 lbs. tob..

Mory Davis has behaved rudely and insolently to the court. Ordered that the sherr. arrest him and keep him until he makes bond for good behavior.

The difference bet. Mr. Wm. Randolph pt. and Michayell Rosser deft., Rich. Dod obligates himself and accepts liability his appearance at the next court to answer. Plt agrees.

Jno. Smith has attachment granted agst. the estate of Wm. Colgill.

Attachment granted Mr. Thos. Blayton in behalf of Wm. Odium plt. agst. the estate of Thos. Purford deft. for 800 lbs. tob..

At the last court Jas. Gunn plt. obtained an attachment agst. the estate of Robt. Griffin deft. for 700 lbs. tob. which was executed Maj. Jno. Stith. Now the debt appears doubtful and the sherr. is ordered to retain the tobacco until it is clarified.

Feb 14 1677/78

p. 271 cont.

The difference between Walter Shipley, plt. and Wm. Gowre deft..
Judgm't agst. deft. for 400 lbs. tob..

It has been discovered that if the sherr. goes to a house to execute a summons, and no one being home he leaves a note, has the sherr. discharged the duties of his office properly? It is the opinion of the court that he has done his duty if such should be the case.

p. 272

Jno. Turberfield & Jno. Wheeler plts. bring suit agst. Antho. Wyatt deft. for the value of the estate of Walter Vaux dec'd.. The Charles City court granted admin. 3 June 1656 unto Mr. Jno. Flowers. The estate has appraised and divided between the two Vaux sisters,. The court did not demand security of Flowers and he was wasted the estate. The plts. having married the sd. orphans now demand recompense by the court. Antho. Wyatt having been Justice at the time (is included) in the suit. The plts ask the court to have the deft. pay Vaux's daughters according to the inventory as recorded. It is so done with costs. Nicho. Wyatt appeals and pledges double the value as security.

Mr. W. Randolph is security for the appearance of Jno. Turberfield & Jno. Wheeler at the next court to answer appeal.

Attachment was granted Geo. Woodliff agst. the estate of Ralph. Pool in December court and not being executed by the sherr. is charged agst. him. Default being for 1000 lbs. tob..

p. 273

Jno. Turner plt. has judgm't confirmed agst. Coll. Jno. Epps deft. for 2000 lbs. tob..

Capt. Robt. Morris plt. & Wm. Carlton deft., the plt. affirms that he shipt. the deft. his carpenter mate who has unlawfully departed from his service to his great damage. The deft. proves in court that Capt. Morris did have his boat and hands put the sd. deft. ashore with his bedding & clothes. It is the opinion of the court that such action was a sufficient discharge and the plt shoud pay the deft. all wages due.

Capt. Robt. Morris plt. accuses Walter Shipley deft. theft of a hogs-head of tob.. Case referred.

Wm. Carlton plt. agst. Capt. Robt. Morris concerning a servt. man apprenticed by indenture and sold to Jno. Hodges then taken by Capt. Morris and conveyed away. The court finds plt. has no case. Dismissed.

Wm. Avery confesses judgm't to Capt. Arthur Allen for 400 lbs. tob..

p. 273 cont.

Whereas Edw. Redish has humbly acknowledged his trespass agst. Coll. Edw. Hill and begged his pardon, Coll. Hill is pleased to acquit & discharge sd. Redish from every trespass.

Jas. Mayer deft. confesses judgm't. to Mr. Thos. Blayton for 1183 lbs. tob. & csk..

Admin. granted Mr. Jos. Biss on the estate of Dennis Browne. Mr. Thos. Cocke security.

Thos. Kesler servt. to Jno. Laneer is adjudged 16 years old.

p. 274

At a Court at Westover
14 Feb. 1677/78

Pres.: Coll. Edw. Hill: Coll. Jno. Epps: Mr. Jno Drayton: Capt. Dan. Lewellen.

Ordered that an attachment granted at the last court to Mr. Jno. Drayton agst. Moryday Davis be renewed.

Joseph Madox prays to be excused from paying the levy, he being very poor. Granted.

Judgm't granted Capt. Arthur Allen agst. Jno. Harryson for 400 lbs. tob..

Judgm't granted Capt. Arthur Allen plt. agst. the sherr. for the non-appearance of Wm. Wilkins deft. for 10,000 lbs. tob. damage.

The sherr. prays attachment agst. the estate of Wilkins to indemnify himself.

Edw. Jordan stands security for Henry Martin's appearance in the action of Roland Place Esq. and Henry Martin not appearing, Judgm't granted the plt. agst. the sd. security for 600lbs tob.

Marmaduke Brown confesses judgm't to Coll. Edw. Hill for 310 lbs. tob..

Sam'l. Wilcox confesses judgm't to Coll. Edw. Hill for 268 lbs. tob..

The court allows Sam'l Wilcox 200 lbs. tob. for keeping prisoners.

Judgm't. granted Jas. Minge agst. Jno. Tate for 500 lbs. tob. & csk..
Acct. submitted by Mr. Thos. Blayton.

p. 275

Attachment granted Jno. Tate agst. the estate of Henry Rosser for 400 lbs. tob..

p. 275 cont.

Ann Price being sworn in court says that Jno. Nibblett did call to Mr. Ousbowne and ask for a passage which he did not answer but sd. Nibblett did say "If you will not come I will fire at you and I will fire" and had a gun in his hand.

The difference between Elias Osborne plt. and Jno. Nibblett deft. is referred to next court.

Judgm't granted Rowland Place Esq. agst. Capt. Nath. Wyatt for 8,800 lbs. tob. & csk. with costs.

Judgm't granted Coll. Arthur Allen agst. the sherr. for 1200 lbs. tob. for non-appearance of Artho. Havyland.

Attachm't. granted the sherr. agst. Havyland's estate.

Jno. Turner plt. agst. Nath. Jordan deft. for debt for various goods mentioned in an account exhibited for 1229 lbs. tob.. The deft. admitted the debt but on oath declared that it was discounted for 200 lbs. tob.. The court deducts the 200 lbs. tob. and gives judgmt. for the remainder.

Nath. Jordan deft. swears the account exhibited is true, the articles listed were delivered to Joan Turner the wife of Jno. Turner and were valued correctly and he has received no satisfaction.

p. 276

At a levy court at Westover Nov. last 1000 lbs. tob. were raised for Coll. Edw. Hill as expenses for prosecuting Mr. Wm. Sherwood. Considering the size of levy and the poverty of the county, Coll. Hill voluntarily acquits the county of payment. Thos. Huckleby lacking 2000 lbs. tob. in payment of his dues. Ordered that he be paid the 1000 lbs. tob..

Nath. Jordan confessed Judgmt. to Coll. Edw. Hill for 595 lbs. tob..

Capt. Arthur Allen plt. agst. Jno. Hobbs deft. referred to a jury. Verdict: "We find for the plt. 60 lbs. tob.". Capt. Allen appealed to Gen'l Court.

Mr. Jas. Bisse is security in 10,000 lbs. for Capt. Allen's appearance to present the appeal.

Lt. Coll. Dan'l Clark swears in court he did hear Robt. Coleman declare Jno. Barker was his attorney.

Judgmt. confessed by Jno. Barker in behalf of Robt. Coleman, Sr. unto Capt. Jno. Rudd for 470 lbs. tob..

Upon petition of Thos. Huckleby to the court it is ordered that he be allowed 200 lbs. tob. a month for keeping the prison (and to find them bread & water).

p. 277

Rich Hill plt. agst. Jno. Coggan deft.. It is the opinion that Mr. Coggan has made good the cattle to the plt.. The other matters have been put in Coll. Edw. Hill's hands to settle. Deft. is fully discharged.

Edw. Norwood has judgmt. agst. the sherr. for 468 lbs. tob. & csk. for non-appearance of Rich. Smith.

Jno. Terry confesses Judgmt for 468 lbs. tob. & csk. on behalf of Rich. Smith unto Edw. Norwood the sherr. being released from the above judgmt..

The difference between Adam Ivey & Wathen is referred to next court.

Nevet Wheeler has judgment agst. the sherr. for 366 lbs. tob. for non-appearance of Robt. Dennis. Attachment for sherr. agst. Dennis.

Lees suit agst. Nevet Wheeler for a hhd. of tob.. Geo. Lee has sworn that in prosecution of sd. debt he went twice to the Isle of Wight County. Judgm't granted Geo. Lee agst. Wheeler for 400 lbs. tob. plus. 543 lbs. tob. is renewed.

p. 278

Peter Field having a good horse taken by the soldiers and not returned asks for pay for it. Mr. Jas. Wallace, Loweman & Jno. Ensall swear to the facts, the horse was above the number to be provided from this County, he may be paid, the court orders a certificate to be presented at the next assembly & paid from public funds.

Roland Place summoning the tenant of Thos. Hill dec'd and Mr. Thos. Cocke admin. of sd. lands; ordered if Mr. Cocke does not appear at next court judgm't will be for 1453 lbs. tob.

Rowland place Esq. has an attachment granted agst. Jno. Mayton estate for 1411 lbs. tob. & csk..

The action between Tho. Boothe & Dan'l Lewellin is dismissed.

Judgm't granted Mr. Wm. Fisher assignee of Thos. Hone agst. Jno. Tate deft. for 10 bu. of wheat.

Judgmt. granted Mr. Wm. Fisher plt. assignee of Thos. Hone, agst. Jno. Harrington deft. for 450 lbs. tob..

p. 279

The suit of Edw. Norwood plt. & Mr. Thos. Blayton deft. is deferred for Coll. Epps' evidence.

The suit of Jas. Lawrence plt. agst. Robt. Ireland deft. is referred to next court.

p. 279 cont.

The suit of Jno. Drinkwater & Rich. Wathen is referred to next court.

A stray horse was inventoried in the estate of Mr. Jno. Drayton, Jr. is ordered to remain on inventory until claimed, then deducted.

Attachment granted Coll. Edw. Hill agst. Mr. Wm. Hooper upon return by the sherr. for 400 lbs. tob..

Wm. Irby plt. vs. Jno. Wilkson, non-suit granted Wilkinson, the plt. mis-entring his action.

All "accous" wherein Coll. Edw. Hill is plt. upon the "Docquet" not crost are referred to next court.

Robt. Coleman, Sen. deft. has non-suit granted Lewis Watkins plt..

Jno. Harminson plt. vs. Ledbiter deft. neither appearing is dismissed.

p. 280

Mr. Thos. Blayton plt. has judgmt. agst. Mrs. Eliz. Tatum admx. of Thos. Winter for 1895 lbs. tob..

At the last Court Mr. Jas. Barrett had an order agst. the sherr. for the non-appearance of Mr. Eliz. Tatum, she now appearing the sherr. is discharged.

Henry May has judgmt. agst. the sherr. for the non-appearance of Jno. Roach. Attachment granted the sherr..

The difference between Mor: Burcher & Thos. Robinson deft. referred to next court.

Rowland Place plt. has attachment agst. Jno. Baxter for 100 lbs. tob..

Judgmt. granted Jno. Clark agst. Jno. Green for 635 lbs. tob..

Jno. Hobbs confesses judgmt. to Capt. Arthur Allen for 450 lbs. tob..

Jas. Corder confesses judgmt. to Coll. Edw. Hill for 516 lbs. tob..

Ronald Place Esq. has petition agst. the sherr. who is ordered to appear at next court to answer.

Geo. Lee has judgmt. agst. the sherr. for 400 lbs. tob. for non-appearance of Rich. Hill.

Geo. Lee has judgmt. agst. the sherr. for 600 lbs. tob. for the non-appearance of Rich. Hill.

p. 281

Judgmt. granted Mr. Wm. Randolph agst. Jno. Lawrence for his non-appearance, being summoned as a witness in a case agst. sd. Randolph and one Tero, an Indian, for what the law allows.

Jas. Howard ordered to pay Elias Osborne 160 lbs. of tob. assigned to Coll. Edw. Hill.

Mrs. Tatum has attachment agst. Robt. Rowse for 500 lbs. tob. as per petition.

Francisco Ferdinand Goire has a non-suit agst. Mr. Wm. Thompson plt..

Nevet Wheeler has judgmt. agst. the sherr. for the non-appearance of Rich. Hill for payment of 2468 lbs. tob..

Jas. Gunn has judgmt. agst. Nick Lilly's bond for non-appearance to present his suit.

The suit of Jas. Gunn agst. Jno. Coggan is referred to the next court.

Memo: If the widow Price does not give an inventory of her part of the estate to the next court then Jas. Mayo to have whole admin..

The petition of Elias Osborne agst. Shapley's estate is granted.

Court adjourned until 3rd. day of April next.

p. 282

This bill binds me, Wm. Grigg, my heirs, etc. --to pay or cause to be paid unto Robt. Bolling his heirs, etc. - the interest and entire quantity of 4800 lbs of good sound legal tob. & csk. at my now dwelling house -- upon the 10th day of Oct. next ensuing the date hereof - 10 Feb. 1677.

Signed Wm. I Grigg
(Marke)

This was delivered and acknowledged in court the 14 Feb. 1677.

(Pages 283-284 torn away)

p. 285

Memo: On the back of the above deed from Fran. Whittington to Jno. Smith was endorsed this following assignment:
(vzt) I, Jno Smith, do hereby assign over unto Robt. Bolling of the Par. & county within specified, all my estate, right, title, claim & demand of, in & unto the within "Memconed" land and every parcel

p. 285 cont.

there of (excepting me Jno. Smith the tan pits and tanyard and free liberty of ingress, egress & regress for a cart-way to the same already there) to hold to him the sd. Robt. Bolling his heirs & assigns forever except before excepted. 27 day of Jan. 1671.

Signed Jno. Smith, Sr.

Wit: Henry Batte
Nich. Dison

Acknowledged by the sd. Jno. Smith in open court of Bristol Par. the day and year aforesd. and recorded.

Test. Nich. Dison, Co. Clk.

Mem: Under the forewritten assignment upon the back of the deed from Whittington to Smith was this endorsed:

I do hereby assign all my right & title of the deed here mentioned unto Wm. Grigg & his heirs as witness my hand this 14 Feb. 1677/78.

Robt. Bolling

This was acknowledged and delivered in court by Mr. Robt. Bolling, 14 Feb. 1677/8

p. 286

Robert Lucy of Flowerde Hundred in County of Charles City & Sarah his wife on the one part and Benjamin Harrison of Surry on the other part - - -, the sd. Robt. and Sarah Lucy for the love and affection they bear unto John Richard Taylor son of the sd. Lucy for a necessary provision of lands, etc. for sd. Jno. Richard etc. have granted, bargained, & sold and do give, etc. unto Benj. Harrison - - - (End of transcription. Were they setting up a trust and the clerk recorded no further? Ed.)

Power of attorney from Elizabeth Tatum to her son Edw. Wyett.

Wit: Henry Prosser
Morris Burcher

Wm. Archer, Ct. Clk.

p. 287

Court at Westover
15 April 1687-78

Pres: Coll. Jno. Epps: Maj. Jno. Stith: Mr. Thos. Grendon: Mr. Fra. Poythress: Capt. Dan'l Lewellen.

p. 287 cont.

On an order of the Hon. Herb Jeffreys Esq. Gov. etc., Mr. Bernard Sykes was sworn a Justice of the Peace.

Upon a petition of Elias Osborne the court admitted him to plead his own business.

Admin. is granted Mrs. Eliz. Mallory on the estate of Capt. Thos. Mallory her dec'd. husband. Capt. Fra. Poythres, security.

Admin. granted Mr. Jno. Stith on the estate of Rich. Hanson. Mr. Bernard Sykes security: Mr. Rich. Moseby and Jno. Turner to appraise it.

The orphans of Rich. Fowler are bound out until 21 years, Alexander ffowler to be with Mr. Rich. Scosebey (?) and Daniell Warrenor to be with Jno. Wilson.

Admin. on the estate of David Thomas is granted to Thos. Lueson. Geo. Downing & Wm Harris security: Thos. Low & Wm. Vaughan to appraise the estate and inquire into the damage of the plantation.

Mr. Thos. Douglass and _____ Jordan are appointed to appraise the estate of Richard Pase in behalf of the orphan.

Admin. granted Neomy Benningfield on the estate of Theophilus Benningfield, Thomas Stoner security: Mr. Harris appointed to appraise estate.

p. 288

Ord. that Mr. Thos. Blayton & Mr. Rich. Wyatt do set apart the estate of orphans of ? Lawrence & Jno. Bishop upon the 24th of this month according to order.

Thos. Lueson, adm. of David Thoms' estate confesses Judgmt. to Silvester Joules attorney of Maj. Gen'l. Abra. Wood for 791 lbs. tob..

Robt. Bolling proves right to 300 acs. of land for importation of Jno. Trumper: Wm. Lambert: Jno. Bowman: Edw. Corbin: Hannah Wilkinson & Mary Turnagen.

Since Ann Churchman lately had a bastard child by a negro and she the servt. of Mr. Thos. Grendon, he petitions that she serve longer according to law. Ordered.

David Deponee has order for 320 lbs tob. agst Henry Preston for 3 days as witness.

Admin. granted Sarah Mudgett on the estate of her dec'd husband Thos. Mudgett, she giving security.

p. 288 cont.

Admin. granted Mrs. Eliz. Tatum on the estate Nevet Wheeler & Hannah his wife on behalf of the orphans of the dec'd., she giving security that the estate be divided equally after debts are paid. Mr. Thos. Blayton & Capt. Nich. Wyatt, inventory, appraise and divide the same.

Admin. granted Mary Mumford on the estate of her dec'd husband, Jeoffrey Mumford, she giving security. Mr. Rich. Moseley and Jno. Turner to appraise the estate.

Attachment granted Mr. Jno. Drayton at last court and not executed is not renewed agst. Meryday Davis.

p. 289

Judgmt. granted to Chas. Dyas plt. agst. Robt. Lucy deft. as adm. of ffrancis Lucy for 400 lbs. tob..

Rowland Place Esq. proves right for 750 acs. land by his own oath being for the importation of ffrs. Bacon: Wm. White: Ann Dawson: Math. Perry: Eliz. Smith: Rich. Pulem: Abrm. Bayley: Jonathan Gladen: Thos. Place: Sibran Johnson: Wm. Hills: Henry Cabell: Isaac, a negro: Issabella Dobson.

Ordered that Jno. Hood & Thos. Huckabey appraise the estate of Isaac Crestwell dec'd.. Maj. Stith to administer the (blotted) & be assistant therein and possession given to Maj. Stith as formerly ordered.

Robt. Netherland deposed that his mother, Mrs. Frances Drew dec'd had charged him on her death-bed with the tuition and care of the orphans of Phillip Limbrey dec'd & sd. Robt. petitions the court for them & their estate he promising that until he marries to place them in a good school for their care. Though having placed the orphans the court gives them to sd. Robt. with strict instructions to give account yearly at Orphans Court.

Wm. Randolph plt. sues Michael Koflord deft. for death of a steer which plt. said was used by sd. deft., which he denying plt. prays a Jury, this done and evidence given, award 400 lbs. tob..

p. 290

Action between Elias Osborne plt. & Jno. Nibblett deft. is dismissed.

Jno. Burge in behalf of the orphans of Sam'l Hillman, the court orders that Jos. Blaymour give a true inventory of the estate of Sam'l Hillman and that Jno. Burge show reason why Jno. Hillman may not have one-half of the estate as ordered by the last court.

p. 290 cont.

Geo. Woodliff plt. sues Ralph Poole deft. for debt by specialty under deft.'s hand for 1000 lbs. tob.. The deft. claims he was not properly summoned. Walter Shipley sub. sherr. states that twice he was at the deft.'s house and he not at home so he left a "noat" (the delightful freedom in spelling! Ed.). The court judges the sherr has performed his office. The court examined a witness to sd. bill who affirmed it, and then gave judgmt. to the plt.

Ordered that Bryan Mahone (As Mahony O'Bryan appears a number of times in these records I am sure that the first name is a clerk's error. Ed.) make good to the court the estate of the orphans of Sam'l Taylor according to the Will and the order of the court to Mr. Antho. Wyatt to have charge of sd. estate be void and Mahone Obryan to have full power to sue the sd. estate.

16 April 1678

Pres: Coll. Hill: Mr. Drayton: Capt. Lewellin: Coll. Epps: Maj. Stith.

Ordered that the sherr. see that the doors to the barr are hung and bolts made and fitted before the next court and that he allow no one to come within the barr but those the court do appoint.

Whereas the Court is void of the laws of the country both printed and written, therefore it is ordered that Mr. Peter Field transcribe the written laws and if he can procure the printed ones to copy them.

Whereas the county is destitute of a law book, appointed for each court and the court finding the extreme need of one, requests Mr. Thos. Grendon to send for one and order the Clerk to allow an account for whatever books the law requires.

p. 291

Admin. granted Jno. Harryson on the estate of Chas. Webb dec'd. it appearing proved by the testimony of Jno. Tate & Henry Whitt, he giving security.

Mr. Bernard Sikes petitions the court for confirmation of a license for an ordinary at Westover granted to him by the Hon. Herb. Jeffreys, Gov. etc... The court confirms same but stipulates that it shall not injure Coll. Edw. Hill who has a bargain and agreement with the Justices.

Ordered that Mr. Thos. Grendon have 537 lbs. tob. raised at next levy being in arrears last year for his allowance as Burgess.

Ordered that the sherr. seize the estate of Elias Osborne and summon four able, honest and indifferent (impartial? Ed.) men to appraise and value same. The court will decide what is due and needful for the orphans of Phillip Limbrey. Ordered that Mr. Benj. Haryson have power to sue for any part of the estate and Mr. Osborne remain in custody until settled.

p. 291 cont.

Memo: Concerning the orphans of Sam'l Taylor dec'd. the court orders that they be instructed & educated according to their estate. Though Mahone Obryan delivered their estate to Mr. Wyatt he did so without the consent of the court. Mr. Antho. Wyatt is invested with the guardianship, he having requested it and Obryan agrees if he be wholly discharged. Security given.

Hester Foster, a poor widow presented an inventory to the court of her dec'd husband's estate which being most inconsiderable the entire court moved that it be left in her possession for the use of herself & her children.

Robt. Dennis a very antique and poor person petitions to be free from the levy, he having presented a certificate from Martin's (?) Par. it is granted.

p. 292

Judgmt. confirmed in Wm. Randolph plt. vs. Michael Rosser deft., the deft. claims his witnesses absent, not being summoned by the sherr. and asks referral to next court. Granted and orders the sherr. to summon all persons.

Ordered that Mary, the daughter & orphan of Sam'l. Phillips, be committed to the guardianship of Capt. Dan'l Lewellin and that Maj. Stith make delivery of the orphan to the guardian. Security given.

Adam Ivey plt. agst. Rich Wothens deft. about hog stealing is by consent of both plt. & deft. referred to the full determination of the court. Case dismissed. As plt. did not prove his case, he pay costs.

Ordered that Maj. Stith take an inventory of the estate of Hosser ffoner and make return.

Upon the petition of Elias Osborne it is ordered that no person or persons, truck, trade, barter, buy or sell any commodity or goods with Jane his wife. (Poor Jane she just tried to do her duty by her step-children. Ed.)

Ordered that pursuit be made after Jno. Scott an orphan boy having run away from Coll. Jno Epps, when seized, he must be returned to Coll. Epps to be punished.

The case of Coll. Edw. Hill plt. agst. Mrs. Eliz. Tatum as admx. of Winters estate, if she does not appear before court rises, then Coll. Hill has judgmt. agst. the sherr..

The case of Coll. Edw. Hill plt. agst. Antho. Havyland deft. being for an account of 700 lbs. tob. disbursed by Coll. Hill in his attendance on the Govr. & Councell informing agst. sd. deft.. Referred to the Gen'l Court deft's security standing.

Jas. Smith has Judgmt. granted agst. Rich. Wothens for 7 days as witness.

p. 293

The case of Jas. Lawrence plt. agst. Robt. Ireland def't. concerning a lease of land which the def't. holds of the plt but has demised the same to Mr. Jas. Bisse. The suit is for damage and disrepair. Mr. Biss alleges the fence is good and no trees are spoiled and no such damage appearing to the court it orders the property be maintained well.

Dr. Jas. Tubb plt. vs. Giles Bland def't. referred to next court.

Mr. Rich. Auburn enters caveat agst. Giles Bland's estate for 2527 lbs. tob. & csk..

Judgm't granted Mr. Bernard Sykes plt. vs. Maj. Jno. Stith adm. for Sam'l Phillips' estate for 1402 lbs. tob. it being for goods delivered according to the account.

Judgmt. granted Coll. Jno. Hamlett as extr. of Jno. Cordell for 1/3 part of 700 lbs of tob. & csk. agst. Maj. Stith adm. of Sam'l. Phillips dec'd.

Jno Drinkwater had judgmt. agst Rich. Wooten for 2100 lbs. tob. which was made use of by Morrill Rose dec'd of whose estate Wooten is admn..

Non-suit granted Mr. Robt. Netherland def't. agst. Robt. Cross plt. no cause of action found.

Coll. Hill vs. Maryday Davis referred to next court.

Non-suit granted Mr. Thos. Cock vs. Esyt. Place being sued as tenant of land of Thos. Hill dec'd. which Mr. Cock denied. No cause of action.

Non-suit granted W. Gardner agst. Robt. Short for mislaying his action.

p. 294

In the suit of Jas. Howard plt. & Wm. Smith def't. about land is referred to next court. It is ordered that the def't. enquire about a deed of sale which the def't. says was put in the Clerk's hand Mr. Jas. Minge is hereby required to make delivery of all bundles of papers, books or other concerns which appertain to the county & present clerk.

The petition of Rowland Place Esq. agst. Coll. Dan. Clark high sherr. complaining that the sherr. did not make return of an action agst. Adam Tapley & prays benefit of law requiring true return on the penalty of 1000 lbs. tob. to which the sherr. pleads that no warrant according to law came to his hand and he was twice at the waterside to go over the river but the weather was too bad and considers himself not liable which the court thinks good & dismisses the petition.

Judgmt. confessed to Capt. Robt. Lucy Attorney of Capt. Arthur Allen by Wm. Wilkins for 400 lbs. tob. & csk.

p. 294 cont.

Rowland Place Esq. has judgment agst. Jas. Maye adm. of Rich. Price dec'd. for 3000 lbs. tob..

Attachemtn granted Ro. Place Esq. (vs. Wm. Green estate) as he is assignee of Rich. Hill for 1082 lbs. tob..

Jno. Harryson confesses Judgment. to Esq. Place assignee for Jno. Drayton for 643 lbs. tob..

Attachment granted Mr. Ro. Place vs. Coll. Jno. Epps for 1563 lbs. tob..

Dosuah Meacham has order agst. Wm. Garner for 2 days as witness.

Rowland Place Esq. has judgment. vs. Jno. Baxter for 1100 lbs. tob..

Coll. Hill vs. Wm. Barnett referred to next court.

Coll. Hill vs. Wm. Hooper referred to next court.

Judgment. granted Maj. Jas. Biss vs. Jno. Baxter upon balance of account, 376 lbs. tob..

p. 295

In the case of Rowland Place Esq. plt. & Henry Martin deft., the plt. at February court obtained Judgment. agst. Edw. Jordan security of the deft. for not appearing. Deft. again not appearing, judgment. confirmed, 3600 lbs. tob..

Attachmt. granted Rowland Place Esq. vs. estate of Jno. Mayton for 1417 lbs. tob..

Judgment. granted Jno. Grenow assignee of Mrs. Rebecca Giles agst. Adam Taply for 1050 lbs. tob..

Robt. Short has attachmt. agst. the estate of Jos. Bresford for 450 lbs. tob..

Judgment. granted Nath. Jorden plt. agst. Thos. Huckaby deft. for 1310 lbs. tob. unless deft. appears at next court.

Non-suit granted Auth. Havyland deft. vs. Robt. Potter plt. for non-appearance to prosecute.

Jas. Lawrence plt. & Jas. Biss deft. about the estate of Turringham referred to next court.

Henry May has judgment. for 6 days as a witness agst. Rowland Place Esq. in the suit between Place & the descendants of Hill dec'd..

p. 295 cont.

Maj. Stith is security for Jas. Biss, as admin. on the estate of Thos. Terringham decd..

Jno. Roach confesses Judgmt. to Henry May for 595 lbs. tob. being for $\frac{1}{2}$ part of a bond.

p. 296

Court 17 Apr. 1678

Pres: Mr. Thos. Grendon: Maj. Stith: Mr. Bern. Sikes: Mr. Drayton.

It is the opinion of the above Justices that the clerk may safely issue an attachmt. at any time within 12 months after it is granted.

Rich. Spark, dying intestate and leaving a small estate without naming an executor, ordered that Maj. Jno. Stith take, manage same, appoint appraisers and pay creditors.

Robt. Netherland plt. & Wm. English deft. the plt. affirms that the deft. agreed to build a house for an agreed price and the deft. has neglected to finish sd. house. The plt is damaged in spoiling of materials. Ordered that deft. immediately finish the work according to agreement make full satisfaction of sd. bargain.

Mrs. Rebecca Giles plt. has judgmt. agst. Meryday Davis deft. for 295 lbs. tob..

The suit of Wm. Carleton plt. & Jno. Hodges deft. about a servt. man plt. sold & delivered to the deft. for 2100 lbs. tob. to be paid. On demand Deft. refuses to pay, claiming that there was a hue & cry for a servt. by Capt. Robt. Morris & sd. servt. was taken so the deft. conceives he is not obligated. But the plt. pleads he sold Capt. Morris and it was decided that sd. plt. had right to sell servant. Judgmt. for the plt. of 2100 lbs. tob. & csk. but considering the trouble the deft. is to have to recover his servt. requests Mr. Wm. Randolph, the plt's. attorney, to delay execution.

p. 297

The case of Mr. _____ Horner plt. & Jno. Drayton deft. is referred to next court.

The suit of Mrs. Sarah Gattley plt. & Maj. Wm. White deft., the deft. not appearing and the sherr. having taken no security, judgmt. is granted agst. the sherr..

Eusebius King vs. Jno. Smith referred to next court.

The suit of Thos. Simmons plt. agst. Thos. Aycock for scandalous gossip about sd. plt.'s wife was referred to a jury. Verdict for the plt., 30 lbs. tob..

p. 297 cont.

Judgmt. granted Mr. Cogin plt. agst. Wm. Aldrige deft. for 513 lbs. tob..

Alice Mekinny has order for 3 days as witness agst. Wm. Aldrige.

The suit of Wm. ffisher plt. agst. Luke Roc deft. is referred to next court.

All Coll. Edw. Hill's actions are referred to the next court there not being enough Justices to make a court without him.

p. 298

Mr. Jno. Cogins allowed pay for 3 days as a witness of his servant Jno. Major.

Wm. Tomlinson has pay agst. Thos. Simons for 3 days as witness.

Wm. ffloryday has order for 3 days pay as a witness agst. Thos. Simons.

Elias Osborne has judgmt. agst. Thos. Simons for 3 days attendance as witness for 200 lbs. tob. & csk..

The suit of Elias Osborne vs. Henry Preston referred to next court.

Mr. Elias Osborne has judgmt. agst. Thos. Robinson security for Jno. Elmy for 225 lbs. tob..

Elias Osborne plt. has judgmt. agst. Henry Preston deft. for 150 lbs. tob..

Mr. Jno. Draiton vs. Morrice Burcher referred to next court.

Mr. Jno. Draiton plt. has attachment granted agst. the Extr. of Lueford for 326 lbs. tob..

Mr. Jno. Draiton has attachment agst. Elias Osborne for 2015 lbs. tob..

Thos. Bird plt. vs. Jno. Elmey deft. referred to next court.

Ordered that Ann Price & Jno. May give a true inventory of the estate of Rich. Price dec'd. at the next court: Mr. Rich Hill & Capt. Rawlinson toappraise it and appraise the land. Poole & Henry Preston enter security for the widow.

Ordered that Maryday Davis immediately deliver the estate of Emyson as ordered to Maj. Jno. Stith. In case Davis refuse the sherr. is ordered to arrest him.

p. 298-a

Whereas Mr. Jno. Drayton has exhibited an order of the Governor appointing Mr. Drayton high sherr. for the next ensuing year, and all the oaths of allegiance, supremacy & of sherr. have been administered to him, he is declared high sherr., Mr. Thos. Grendon & Mr. Bernard Sykes security.

Jno. Smith having taken the oath of an under-sherr. is admitted to the office.

Court adjourned to 3rd of June.

p. 299

At a Court at Westover
3rd. of June

Pres: Coll. Epps: Maj. Stith: Lt. Coll. Clark: Capt. Poythres: Mr. Gredon: Capt. Lewellin.

Wm. Dobson confesses judgmt. to Wm. Randolph attorney of Eusebius King for 20 pairs of men's french fall shoes.

Admin. granted Wm. Vaughan on the estate of Samuel Johnson being partner and greatest creditor. Thos. Low & Jno. Woodliff security.

Admin. granted Mrs. Hannah Duke (as greatest creditor as admx of Mr. duke dec'd) on the estate of Michauill Waterland, ordered that Jno. Tate give an inventory & acct. of the estate and admx to give, security.

450 lbs. tob. is allowed Thos. Lutson for several expenses as part of his account.

Coll. Edw. Hill vs. Wm. Bernard referred to next court.

Coll. Edw. Hill vs. Wm. Hooper referred to next court.

Two Indian children, a boy, George, adjudged 6 years old and a girl Bess, 5 years old, were brought by Mr. Henry Batte.

p. 300

At a Court at Westover
the 3rd June 1678

Present: Mr. Thos. Grendon: Maj. Jno. Stith: Coll. Jno. Epps: Capt. Poythres: Mr. Ber. Sykes: Capt. Dan Lewellin.

Admin. granted Naomy the widow and relict of Theophilus Benningfield dec'd.. Security given.

p. 300 cont.

Admin. granted Joseph Bradley on the estate of Guthbert Williams dec'd.. Mr. Thos. Grendon and Mr. Bernard Sikes security. Maj. Jno. Stith and Capt. Dan'l Lewellin to appraise the estate.

The will of Mr. Wm. Huns being presented for probate, the court had read the following written on the back:

This within will was proved in court by the oaths of Mr. Jas. Minge and Mr. Geo. Lee and probate desired but dec'd was attainted by Act of Asseine so the court refers same to the Rt. Hon. Governor and Counsell.

Test. Wm. Archer

Admin. granted Rowland Place Esq. on the estate of widow Sharp dec'd. Security given. Jno. Hardaway and Jno. Hodges to appraise it, give inventory and report. Surplus tobacco to be returned to Joan Davis to pay debts.

The will of Edw. Beck is proved by Thomas Stoner and probate granted Ann the relict and extrx.

p. 301

Mary Pace asks to have the orphans of Hugh Kirtland as by a former court order. Confirmed.

Maj. Jno. Stith, Mr. Thos. Grandison and Capt. Dan'l Lewellin do all dissent in being concerned with the orphans of Phillip Limbrey.

Geo. Hatton servant of Jas. Thwait judged 12 years old.

John Hamlett and John Loeman to appraise the estate of Jno. Fletcher, dec'd. as by inventory.

Admin. having been granted Naomy Benningfield on Theo. Benningfield's estate, as on page 300, this is relinquished and desired by Mr. Peter good in his wife's right. Security given.

James Binford showing that John Banister by will left land to Sarah Chappell daughter of Thos. Chappell after death of Banister's widow. Jas. Wallace secured the land on marrying the widow. She now dead Binford petitions for his wife Sarah Chappel. Wallace being willing, confirmed by court.

Mary Copit was left a legacy by David Thomas because of her care in his illness. She asks for sd. legacy and court grants same.

p. 302

Robert Rouse showing a certificate from the vestry of Weyanoke relieving him of parish dues because of poverty and great age (almost 60 years) he is freed from all levys.

p. 302 cont.

Wm. Vaughan asks that the motion on the estate of Johnson Redford be deferred until June for Thos. Mudgett to be present.

Thos. Keggan an orphan apprenticed to Jno. Elmer is to remain with Mr. Jas. Bisse until next court for Elmer to answer the boy's complaints.

Attachmt. granted Coll. Hill on a colt of James Peabright's, which not being served is renewed.

Jno Sumers, servt. of Mrs. Eliz. Tatum judged 18 years old.

John Scott an orphan bound to Coll. Jno. Epps, left his master who raised a hue and cry. Both agree that Scott is free but Coll. Epps asks indemnity from judgmt. and Mr. Pebles release from his security.

p. 303

Rowlant Place Esq. has attachmt. renewed agst. Wm. Gowre for 1082 lbs. tob. as assignee of Rich. Hill.

Petition of Mr. Robert Bolling agst. Dr. Coggin for fees in a suit recently settled but of long duration. Mr. Bowling had an account of fees paid Mr. Jas. Minge of which the present clerk knew nothing. Dr. Coggin to pay fees.

Judgmt. granted Maryet Horner plt. agst. Mr. Jno Draiton deft. for 400 lbs. tob..

The suit of Mrs. Sarat Gattley plt. agst. Maj. Wm. White deft., he not appearing Mrs. Gattley had judgmt. agst. Lt. Coll. Dan. Clark, high sherr.. The deft. not now appearing, judgmt. confirmed.

The suit of Mrs. Sarah Gattley admx of Capt. Nich. Gattley, dec'd. plt. agst Maj. Wm. White adm. of Capt. Hubt. Farrell, dec'd deft.. At the last court the plt. obtained judgmt agst. the then sherr. for £ 20 sterl. due by bond to Nich. Gattley as adm. of Rich Meers. Sd. sherr. still not appearing, judgmt. confirmed agnst. sd. sherr.. Lt. Coll. Dan. Clark. Maj. Jno. Stith asks Lt. Coll. Clark argue same at next court, granted.

Judgmt. granted Mrs. Hannah Duke admx. of Mr. Wm. Duke agst Mrs. Eliz. Tatum admx of Nevet Wheeler's estate for 3233 lbs. tob. due.

p. 304

Susannah a poor negro woman, very ancient prays to be levy free. Granted.

24 June 1678

James Howard plt as guardian of the orphan of Thos. Porter dec'd sues

p. 304 cont.

Wm. Smith deft. as having lived on the land of sd. Porter dec'd and now claiming title, unrecorded. Deft claims purchase of half the land for a valuable consideration, exhibits a receipt fully attested and claims Mr. Nich. Wyatt, former clerk was to have recorded deed. Sd. deed not found, deft prays relief in equity. The court on oaths of Mr. Silvanus Stokes and Thos. Huckaby did judge the land held in fee simple by deft.. Deft to pay quit costs in arrears.

Lt. Coll. Dan'l Clark is desired to send for Mr. Silvanus Stokes & Thos. Huckaby and take their depositions in writing in the above suit for the record.

Judgmt. granted Coll. Jno. Epps plt. agst. the estate of Jno. ffletcher dec'd. for 400 lbs. tob. which appears due. Alice extrx..

John Black has a servant man sold to him by Humphrey Gwinn of Mock Jack Bay by the name of W. Ginnsa alias Wm. Garner havign by indenture 3 years & 2 months to serve by his own confession, and sd. Wm. Ginsey realizing that he has put his master to expense by his absence is willing to serve 5 years in all. Allowed by the court.

Poland Place Esq. renews attachmt. agst. Coll. Jno. Epps 1563 lbs. tob..

Michaell Kisler has judgmt. agst Jno. Lawrence for non-appearance as a witness in suit of Kosler & Randolph.

Capt. Nich. Wyatt enters himself security for Jane Mayo's bond as admx. of estate of Rich. Price dec'd..

p. 305

Robt. Short having formerly sued for an attachmt. agst. Jas. Benford for 400 lbs. tob.. Learning that it was irregularly filed he petitions to have it recorded. Granted.

Jno. Harryson confesses judgmt. to Jno. Laneer for 848 lbs. tob. & csk..

Lewis Watking plt. agst. Robt. Coleman, Sr., deft., the plt. exhibiting his account & the deft. another, the court auditing the accounts found 193 lbs. of tob. is due in both the plt's. accounts and awards sd. plt. judgmt..

Jno. Smith, a witness for 4 days in the case above prays an order for same. Granted.

Jno. Harryson servt. of Mr. Jno. Hamlin, having run away and been gone a considerable time, the sd. servant wishing to escape corporal punishment, declares he is willing to serve for 5 years. Jno. Hamlin accepts and it is so ordered.

p. 305 cont.

The difference between Coleman Lord & Wm. Vaughn abt. (smudged) is dismissed.

p. 306

June 26, 1678

Pres: Lt. Coll. Clark: Maj. Stith: Mr. Sikes: Mr. Grendon: Capt. Lewellin.

The suit of Jno. Woodson plt. agst. Matthew Tyler, deft., the sd. deft.'s witnesses not appearing he prays the suit be referred to next court. Granted.

Mr. Eusebius King, plt. has judgmt. agst. Emanuel Alberry as marrying the relict of Wm. Traylor deft. for 740 lbs. tob. due by a bill. Granted.

Jno. Peterson plt. agst. Jno. Cogan deft., the plt's witnesses being sick the case if referred to the next court.

Jno. Sturdevant has non-suit agst. Francis Ledbeater plt. for wrong entry of petition.

Ordered that Francis Ledbeater's petition be referred to next court.

Rich. Wothen plt. has judgmt. agst. Henry Preston security of Geo. Blaker deft. for 612 lbs. tob. for non-appearance of deft..

Rich. Wothen plt. agst. Thos. Blayton deft. about a hhd. of tob. which the court finds not worth notice is dismissed.

Adam Ivey deft. has non-suit agst. Rich. Wothen plt. for wrong entry.

Wm. Crabb deft. has non-suit agst. Wm. Drew plt for mislaying his action.

p. 307

The case of Adam Ivey deft. & Wm. Wilkins plt., the deft's. witnesses not appearing is deferred to next court.

Mrs. Eliz. Mallory admx. of Capt. Thos. Mallory dec'd. confesses judgmt. to Mr. Thos. Grendon for 12,308 (corrected 1238) lbs. tob. due.

The suit of Thos. Goodgam plt. & Wm. Wilkins deft. is referred to Mr. Thos. Blayton to inquire into, settle & determine the same and report.

The suit of Sam'l. Blaydes, Jr. plt. agst. Maj. Thos. Stith Admx. of Thos. Phillips est. deft. is referred to next court.

Mr. Thos. Blayton has judgmt. agst. Henry Preston the security of Geo. Black deft. for 846 lbs. tob..

p. 307 cont.

Maj. Thos. Stith, Church Warden of Westover Par. plt. agst. Mr. Thos. Cocke adm. of Thos. Hill dec'd. for 474 lbs. tob. & csk. being due from sd. Hill for levies. The sd. Mr. Cock says he has no affairs of Thos. Hill in his hands having paid all debts so far charged.

The suit of Elias Osborne plt. agst. Walter Shipley late sub-sherr. deft.: the plt. declares he began his action and gave the deft. orders to arrest Jno. Blanks. Shapley declares be arrested Jno. Blanks and Blanks declared he was in court but plt. appeared not. Mr. Thos. Blayton declares he had power to impose judgmt. but plt did not appear. Court considers no cause for action. Coll. Clark atty. for plt asks non-suit. Granted.

p. 308

Jno. Hix plt. & Steven Hamlin deft. for plt.'s cattle which sd. deft. now has, having altered plt.'s mark on the calves. Referred to a jury which heard evidence and witness of Sikes _____ (parts of several lines missing). Jurors: (not given). Verdict - due to plt. 997 lbs. tob..

(Cattle theft did not receive as severe a sentence as later in Western States. Ed.)

Hix and Hamlin agreed that instead of the tobacco the deft. pay one breeding sow: one bull calf in place of one dead, return other calves & 160 lbs. of tob..

The suit of Maj. Stith, Churchwarden of Westover Pr. plt. & Wm. Crabb, attorney of Coll. St. Ledger Codd as marrying the relict & extrx. of Mr. Thos. Bland dec'd, as most of the court are members of the Par. and could be considered parties to the suit, it is ordered referred to the Governor & Council.

p. 309

Mr. Bernhard Sikes, sworn in the case of Hix & Hamlin deposes cattle were made to him for security, known of Maj. Stith. Mr. Sikes then asked to let the poor man (Hix) have them but deft. wanted pay in tobacco. Sikes then asked Hix why he marked them and plt. said they were his own. (This pertains to suit on 308. Evidently Hamlin needed something to pledge, used Hix's cattle and got caught. Ed.)

Capt. Mallory by agreement with Coll. Dan. Clark sherr. had collection of Appomattock. Wm. Hoskins security for £250. Capt. Mallory dying before the collection was fully made, Hoskins is liable for sums Mallory received. Wm. Hoskins sues Eliz. Mallory, admx. of Capt. Mallory, dec'd., showing the bond. Admx. admits liability.

Judgmt. granted Jno. Morehaen plt. agst. Eliz. Tatem admx. of Nevet Wheeler dec'd who was extrx. of Peacable Barton for 775 lbs. tob. by bill due.

p. 309 cont.

The case of Maryday Davis plt. agst. Thos. Christopher is referred to next court.

The case of Ed. Redish plt. agst. Maryday Davis deft. is referred to next court.

The case of Davis & Hooper referred to next court.

p. 310

(2 pages missing)

Wm. Hooper deft. confesses judgment. to Mr. Sam'l Blades attorney for Herman Rich. Brooke & Co. plt. for 437 lbs. tob..

Nicholas Lilly plt. agst. Jno. Buxter, referred to next court.

Elias Osborne plt. agst. Jno. Elmoy deft. for 225 lbs. tob. at last court. Deft. not appearing. Judgment. passed agst. Thos. Robinson, Sr. sec. if deft. did not appear at this court; not appearing, judgment. agst. sd. Robinson.

Rowland Place has judgment. agst. Jno. Drayton, Sr. for non-appearance of Capt. Robt. Lucy.

Rowland Place Esq. plt. agst. Thos. Booth deft. for a bill of 3568 lbs. tob. made Oct. last and not due until Oct. next. Court rules no cause of action.

Rowland Place Esq. summoning tenants of Thos. Hill dec'd (Henry May being one) to show reason for not renewing judgment. granted Jas. Wallace agst. Thomas Hill Feb. 1674. None given, judgment renewed.

Jas. Gunn deft. non-suit agst. Nich. Lilly plt., having no cause of action.

Coll. Nich. Wyatt plt. has judgment. on a penal bond agst. Morrice Burcher for breach of conditions.

p. 311

June 25th

Capt. Nich. Wyatt has judgment. agst. Morrice Burcher for 526 lbs. of tob. & csk. due.

The case of Goodgame & Wyatt referred to next court.

Wm. Wilkins has order for 15 days as witness agst. Rich. Wothem in case of Wothem & Ivy.

p. 312

Court held at Westover

5 Aug. 1678

Pres.: Coll. Edw. Hill: Coll. Jno. Eppes: Capt. Fra. Poythress: Maj. Jno Stith: Capt. Dan. Lewellin.

Capt. Arthur Allen Plt. agst Jno. Bishop deft. for trespass and plundered goods. Capt. Robt. Lucy attorney for Allen reports Bishop confesses judgmt. for 200 lbs. tob. if Allen concurs, stop suit and withdraws charges. The deft. so deposes.

Ordered that the estate of the children of Jno. Bishop be set apart. Mr. Thos. Blayton and Capt. Nich. Wyatt see it done according to a deed of gift from Mary Rose to the children. Jno. Bishop states there are not cattle enough left to comply with the deed. Ordered that the cattle of the deed be valued and enough other effects set aside from the estate of Wm. Ludford to make up the difference. (see p.242)

Maj. Gen. Abra. Wood shows that Elizabeth Johnson dec'd was in his debt. Her estate is inconsiderable and he asks to be awarded it. Order sd. that Maj. Gen. Wood have 2 men appraise the estate, return an inventory if under the value of £5 to be awarded to hom.

In the suit Sarah Gattley Admx. of Nicho. Gattley Adm. of Rich. Morris agst. Maj. Wm. White Adm. of Capt. Hubert ffarrell it is ordered that the confirmed judgmt. of the last court stand good agst. the sherr. for £20 no legal reason appearing. But Mr. Blayton attorney of Maj. White pleads the action wrongly entered agst. deft. as Extr. of Capt. ffarrell and that he is but Adm.. The record being produced it shows Adm. used. Sd. attorney then pleads the case falls into a court of law as the widow married before the judgmt. but this shown not the fact, judgmt. agst. the sherr. stands.

Henry Newcomb confesses judgmt. to Jno. Ensull for 9 deer skins & 2 buck skins.

Deposition of Jas. Bisse as to a plantation he owned of Thos. Hallwood and then deeded to Edw. Gilly, Jr. and from him unto Jas. Mason, 14 Feb. 1675.

Wit: Chas. Hamlin
Jno. ffrost

Signed James Bisse
Rec. 5 Aug. 1678

p. 314

Jno. Barber pleads that he is falsely accused as failing to list as tithable one Susannah who he is accused of employing regularly, working in the ground. He offers proof by witness of Mr. Benj. Harrison that she is seldom employed except for gathering corn or housing tobacco. The court rules that John Barber is not subject to levy since she is not employed in the ground.

p. 314 cont.

Upon petition of Wm. Sheffield being very ancient, poor and having an afflicted son the court acquits him from levies.

Attachment granted Coll. Hill agst. the corpse of Robt. Flima, Sr. for -----.

Coll. Edw. Hill has judgment agst. Mr. Tatom's admx. for 787 lbs. tob..

Thos. Higgon an orphan making complaint of his master Jno. Elmoy, the court finding it untrue order his return.

Jno. Turbyfield deft. has non-suit agst. Wm. Crabb, attorney of Roland Place Esq.

Admin. with will attached granted Thos. Stoner on the estate of Sarah Mudgett.

Ordered that the witnesses of Sarah Mudgett's will appear at next court to prove same.

p. 315

Jno. Peterson, plt. agst. Jno. Cogan, deft., the deft. declares on oath that the bill was assigned giving full satisfaction. The plt. calls Abrm. Odum and Henry Newcomb but they testify nothing to the contrary. Non-suit.

Rowland Place, Esq., plt., claims by bill that Mr. Robt. Lucy owes 361 lbs. of "biskett" and debts (?) to sum of 812 lbs. tob. and prays judgment. The deft. pleads the provisions were imprest for public use. Claim to the next levy court but the plt. appeals to Genl. Ct..

Judgment awarded Mr. Fra. Davis, plt., agst. Wm. Hunt, deft., for 5390 lbs. tob.. No execution issued until Oct. 10th next.

Jno. Elmy confesses judgment to Mr. Thos. Blayton for 1206 lbs. tob..

Roland Place, Esq., by his atty. Wm. Crabbe complains that the high sherr. Mr. Jno. Drayton has not served a summons for Coll. Jno. ? . He is much damnified and pleads Act of Assembly for 1000 lbs. tob. penalty for neglect. The sherr. claims Crabbe was to get security, so sd. Drayton has none. Plt. must show him the deft's estate. The court considers no liability.

p. 316

Admin. on the estate of Thos. Sharp dec'd. is granted to Capt. Nich. Wyatt with authority to sue for possession within this or other counties.

p. 316 cont.

Capt. Nich. Wyatt has judgmt. agst. Thos. Robinson for 265 lbs. tob. by bill.

John Miles aged 23 swears that he was at the house of Jno. Tate when Michael Waterlands dec'd. asked the sd. Jno. Tate to bury the sd. Waterland decently and take the remainder of the estate and pay debts.

Jno. Amos has order for 7 days pay as witness in the case of Blaymowe and Burge.

Thos. Gibbs & his wife have judgmt. agst. Rowland Place, Esq. for one day as witness in the case of Turberfield.

Mr. Elias Osborne asks that the admin. he now has on the estate of Sarah mudgett pay all court costs for admin. of Johnson's estate.

Adjourned to Aug. 15.

p. 317

A Court at Westover
15 Aug. 1678

Pres: Coll. Edw. Hill: Lt. Coll. Dan. Clarke: Mr. Bern. Sykes: Mr. Thos. Grendon: Maj. Jno. Stith.

Memo: Jno. Smith having married the relict & admx. of Gattley, dec'd., freely acquits & discharges Coll. Dan'l Clarke, late sherr. from the judgmt. obtained agst him by Sarah his wife and admx. aforesd. for non-appearance of Maj. Wm. White adm. of Capt. Hubert farrell and from all damages, Maj. White having settled all charges.

Maj. Gen'l Abrm. Wood showing that Elizabeth Johnson's estate had not the 901 lbs. tob. which she owes him, the court orders that Thom. Ludson(?) be paid 200 lbs. tob. for a coffin & 60 for digging the grave and that Maj. Gen'l. Wood have the remainder for deft. (I think the above name an error and intended for Hudson. Ed.)

Jno. Harrison asks an order issued now for attachmt. in November for 900 lbs. tob. agst. Wm. Ludford's estate. Granted.

The action of Wm. Wilkins, plt., agst. Adam Ivey is dismissed.

p. 318

Jno. Wadson, plt., asks judgmt. agst. Mathew Tyler for "entertaining" a runaway servant of the plt. for 7 weeks less 3 days and asks 30 lbs. tob. a day as by Act of Assembly. The deft. denying the charges, the plt. prays for a jury. Granted. (No jury names given. William Archer was a poor clerk. The foreman asks the Justices if a servant evidence is legal. Assured it is, they find for plt. on 10 days in town. Berkeley over ruled the recommendation of the Justices. Ed.)

p. 318 cont.

Wm. Range, dead, having left, to be recorded to Henry Ledbeater, Jr., one mare fully delivered to sd. Ledbeater by Roger Rice. Mr. Jno. Sturdevant asks sd. mare be branded. Recorded.

p. 319

Mr. Sam'l Blaydes, plt., has order for 104 lbs. tob. agst. Maj. Jno. Stith, Adm. of Sam'l Phillips estate. Granted.

Susannah Banks, dying, did bequesth to the 2 children of Joshua Meacham, named Elizabeth and Mary Meacham, 2 cows & 2 heifers. Sd. Joshua prays they be recorded. Granted.

Ordered that Jno. Amos be paid 100 lbs. tob. of the estate of Thos. Hillman, the same acknowledged due by Hillman in his lifetime.

Ordered that 1400 lbs. of tob. be paid Jas. Blaymore for the funeral of Thos. Hillman deducted with the above due Amos, out of Hillman's estate, the remainder to be valued and divided between Jno. Hillman, the orphans of Sam'l Hillman and Mr. Jas. Wallace. Mr. Thos. Douglass, and the sherr. make sure of division.

Thos. Blayton, plt., assignee of Rich. Hill, and Jno. Woodson, deft., for 1430 lbs. tob. which Mr. Nevt Wheeler, dec'd. had promised to pay but did not. Judgm't. is awarded plt. for above sum.

p. 320

Attachm't granted Adam Heath agst. the estate of Wm. Ludford for 530 lbs. tob..

Henry Rogers agst. Poland Redford referred to next court.

In the case of Dan'l Sanborn deft. & Robt. Bolling, plt., the deft. prays continuance to next court. Plt. agrees.

Wm. ffisher assignee of Mr. Lowell plt. and Mrs. Eliz. Tatum Admx. of Nevt Wheeler, deft. is referred to next court.

Wm. Theobalds, plt., agst. Giles Bland, deft., referred to next court.

Court adjourns for 1 hour.

Present: Coll. Hill: Coll. Clark: Mr. Sikes: Mr. Grendon: Maj. Stith: Capt. Poythress.

Peter Read, of Merchant's Hope, appointed by Capt. Wyatt to impress necessities in 1676 and having used 2 large casks of his own, never billed, desires pay. Granted.

15 Aug
1678
p. 321

Mr. Gilbert Platt, plt., agst. Lt. Col. Dan. Clark, last sherr. as sd. Clark served an execution on Jas. Mason sued by plt. and allowed him to escape. Plt. asks judgmt. for the whole sum for the default. Granted.

Jas. Mason confesses judgmt. to Lt. Dan. Clarke for the whole sum due from him to Mr. Gilbert Platt for the execution served on him.

Alexander Davidson having summoned ffra. Withs as evidence in his suit agst. Capt. Lucy, Withs not appearing, lost and now sues sd. Withs. Davidson, ffra. Withs ordered to appear at next court.

Meryday Davis, ptl., sold a horse to Thos. Christian, deft., he not paying, sd. plt. repossessed the horse. Davis owed for iron work. Ordered the horse be surrendered to plt. and he paying 700 lbs. tob. the cost of the iron-work is to be deducted & charge of suit to be divided. (Archer does not express cases clearly. This is muddled. This is what I believe. Davis sued Christian for iron work. The court ordered cost of iron work deducted from the 700 lbs. tob. owed for horse, balance paid to Davis and he to surrender horse to Christian. Ed.)

p. 322

In the suit of Nich. Lilly plt., agst. Jno. Baxter, deft., the plt. not appearing a non-suit is granted.

The suit of Coll. Edw. Hill, plt., agst. Wm. Hooper, deft., is referred by mutual consent to the judgmt. of Maj. John Stith.

Jonas Lisemin (Liscumon?) has judgmt. for 14 days as witness in the case of Meryday Davis & Thos. Christian.

Ed. Gilley has judgmt. for 1 day as witness agst. Mar. Davis in the case of Davis agst. Christian.

Fra. Hill judgmt. for 1 day as witness in case of Davis & Christian.

Edw. Redish, plt., agst. Meryday Davis, deft., about a horse, judgmt. granted plt. for the horse with 50 lbs. tob. damages.

Jno. Harwood, plt., agst. Robt. Netherland, deft., about land. The plt. made a "saile" to Robt. Short of lapsed land after Robt. Netherwood (?) had a patent granted the 15th June 1676. The court declares a non-suit.

The case of Edw. Gilley, plt., agst. Wm. Hind, deft., referred to next court.

Judgmt. granted granted Elias. Osborne, plt., agst. Henry Preston, deft., for 329 lbs. tob..

The above 327 (?) lbs. tob. with another of 150 lbs. is assigned to Coll. Edw. Hill. (I have stopped clearing up Archer's mistakes. Ed.)

p. 323

Henry _____ has judgmt. for 3 days as witness in the case of Rowl. Place agst. Thos. Hill.

Thos. Cureton agst. his servant Joseph Fells for absenting himself and putting sd. master to great expense & trouble to find him. As sd. servt. has $1\frac{1}{4}$ years more by indenture the court orders that he serve full 2 years.

Ordered that the sherr. impress a boat & hands immediately & bring Jno. Bonner & Wm. English to court as witnesses for Jno. Cugin.

16 Aug. 1678

Pres: Coll. Hill: Coll. Clark: Coll. Eppes: Mr. Grendon: Maj. Stith.

Fra. Ledbeater confesses judgmt. to Eusb. King for 1530 lbs. tob. and 160 lbs. of dressed pork, Henry Newcomb to discount the proper amount with cost of sale.

p. 324

Judgmt. granted Mr. Jno. Drayton agst. Joshua Meacham for 1439 lbs. tob..

The case of Edw. Gelley, plt. & Jas. Mason, deft. is referred to the next Orphans Court. Full records are to be "herd".

Walter Hunt, plt. has judgmt. agst. Maj. Jno. Stith, Adm. of Phillips estate of tobacco due by bill.

Sam'l Blades, plt. has judgmt. of 350 lbs. tob. agst. the estate of Rich Sparks where he can find it.

Several stray horses taken up at the Falls of the James and left with Esq. Place at Buckland and by WM. Crabb atty. of Mr. Place to be sent to Barbadoes. Crabb was asked the reason, and it was by govermt. order to Mr. Place. Ordered Lt. Coll. Clark & Maj. Stith to go to Buckland, see strays, seize them and report to next court. Mr. Crabb bring the Government order.

Fra. Leadbeater says Henry Newxomb has lately bought a white-faced sorrel horse and a black-faced mare from the Indians, the latter being exchanged with Peter Rowland. Ordered Newcomb appear at next court to report.

p. 325

Jas. Barrett plantr. has judgmt. agst. Mrs. Tatum admx. of Dr. Winter for 2000 lbs. tob..

Capt. Arthur Allen, plt., has attachmt. agst. the estate of Jno. Gallows, deft., for damages to the value of 10,000 lbs. tob..

p. 325 cont.

Wm. Coreby has judgmt. agst. the sherr. for non-appearance of Thos. Robinson.

The sherr. asks attachmt. agst. the est. of Thos. Robinson to secure him.

Maj. Gen'l. Abr. Wood, plt., has judgmt. agst. Fra. Ledbeater, deft., for 2387 lbs. tob..

Judgmt. granted Rich. Wothen, plt., agst. Geo. Blake, deft., for 612 lbs. tob., Henry Preston, security, discharged from the order of the last court.

Wm. Wilkins, plt., agst. Jno. Hamlin, Robt. Netherland & Jno. Cogan, defts., being for forgery. The court decides that the instrument exhibited is not a forgery. Suit dismissed.

Geo. Blake confesses judgmt. to Mr. Blayton for 846 lbs. tob., Henry Preston, security acquitted.

Mr. Robt. Lucy has judgmt for 3 days as a witness in case of Wilkins & Netherland.

p. 326

Jno. Cogan, Jr., plt., has judgmt. for 3 days as witness in the case of Wilkins & Netherland.

Maj. Jno. Stith, Adm. of Phillips' estate has non-suit agst. Rowland Place, Esq. for wrong entry.

In the case of Ralph Pool, plt., agst. Lt. Coll. Dan. Clark, late sherr. whom plt. claims returned a false report last December in the suit of Geo. Woodlief agst. the plt. and he asks 1000 lbs. tob. according to Act of Assembly. Court is of the opinion damages from Woodlief sufficient. Dismissed. Elias Osborne, atty. for plt., appeals.

Ralph Pool, plt., agst. Dan. Clarke, late sherr., claiming failure to deliver summons to several witnesses. No recurd of such order existing. Suit dismissed.

Judgmt. granted Ralph Pool, plt., agst. Morrice Burcher, deft., for 1015 lbs. tob..

p. 327

Miles Hobb has judgmt. agst. Ralph Pool for 7 days as witness in the case of Pool & Col. Clark.

Judgmt. granted Ralph Pool assignee of Ed. Norwood, plt., for 108 lbs. tob. due for balance of account.

p. 327 cont.

The suit of Sam'l Blades, plt., agst. Mrs. Eliz Tatum is referred to next court.

Judgmt. awarded Lt. Coll. Dan. Clarke agst. Mrs. Hannah Duke, Admx. of Mr. Wm. Duke security for Jno. Niblett for 28,000 lbs. tob. being upon as personal obligation for Parish collection.

Mrs. Hannah Duke, Admx. of Mr. Wm. Duke, petitions for admin. of the estate of Jno. Neblett, collector of the Par. of Martin's Brandon and for whom Mr. Duke was security of sd. office and for which security Coll. Clarke has sued Mrs. Duke. If no one with a better claim appear at next court to ask admin., it be granted Mrs. Duke.

Mr. Elias Osborne showing that at the time of the levy he was a close prisoner and is now very poor, prays to be exempted for present year. Granted.

The case of Jacob Hill, plt., & Mr. Sam'l Blades is referred to next court.

p. 328

Jas. Mays & Ann Price with the orphans of Rich. Price to appear at next Orphans' Court on 15 September with a true inventory, all papers pertaining to the estate and security.

Wm. Gardner had 5 days as witness for Adam Ivey and Elias Osborne atty. for Ivey is ordered to pay Gardner.

Robt. Short, deft., has non-suit vs. Wm. Gardner, plt., for withdrawing his action.

Jas. Minge, plt., has attachmt. agst. Wm. Wilkins, deft..

Jas. Minge petition agst. Harrison referred to next court.

Non-suit granted Mrs. Eliz. Tatum, deft., vs. Thos. Bodynell for wrong entry.

Jno. Terry, plt., agst. Rich. Wothen referred to next court.

Robt. Dennis, plt., agst. Jno. Barker, deft., for various small services done. Barker claims that he has an account for "Dyet" and lodging. As the two balance close acquitted both, each payig his costs.

p. 329

Thos. King has order for 3 days as witness agst. Jacob Hill in Hill agst. Blades.

p. 329 cont.

Judgmt. granted Mrs. Eliz. Tatum, plt., agst. Jno. Harrison for 800 lbs. tob. due by bill to Morrice Burcher 24 Feb. 1677, originally brought by plt. agst. Morris Burcher for 1300 lbs. tob. due for horse bought of Nevet Wheeler. Ordered that Burcher pay plt. the remainder of the debt.

Ralph Rotchell, a poor, aged man, showing by certificate from Surry Co. his great age is exempted from all levies.

Edw. Ross a disbanded soldier being poor and impotent is exempted from all levies.

Mr. Wm. Randolph is atty. of Jacob Hill by acknowledgement in court.

Mrs. Tatum agst. Robt. Dennis dismissed.

Edw. Gilley has order for 7 days as witness agst. Meryday Davis in Davis vs. Hooper.

Jno. Bonner, Wm. English & Dr. Jno. Cogin are ordered to appear at the Orphans' Court 15th of this inst (?) and the sherr. take bond for good behavior.

Davis agst. Hooper referred to next Orphan's Court.

p. 330

Jno. Cogin, Jr. has order for 8 days as witness once agst. Capt. Archer allen in several cases & once in Havyland and Mumford.

Jno. Hood has judgmt. for 3 days as witness agst. Edw. Gilley in Gilley agst. Hinds.

Thos. Huckleby & his wife have order for each 2 days as witness agst. Wm. Dare in Dare vs. Crabb.

Adjourned to 3 Oct. 1678.

p. 331

At a court held at Westover
3 Oct. 1678

Present: Coll. Edw. Hill: Coll. Jno. Epps: Coll. Dan. Clarke:
Maj. Jno. Stith.

Mr. Wm. Archer presents a letter from the Hon. Coll. Dan'l Clark, Secretary of State, confirming him in the office of Clerk of the County Court of Charles City Co. to which the Justices humbly and thankfully accede.

p. 331 cont.

Jno. Burnett, the orphan of Jno. Burnett dec'd., is presented to court by Henry Blanks and is by the court and consent of sd. orphan apprenticed to him.

Curtis Land presents Ann Burnett to the court and is, by the court and consent of sd. orphan apprenticed to Land.

Fra. Ledbeator presents a will (prentended) of Henry ffoster which is found invalid but nevertheless the court grants him admin. as ffoster's last illness caused him trouble & expense.

Capt. Wm. Fisher assignee of Mrs. Rebecca Sorrell, plt. agst. Mrs. Eliz. Tatum admx of Nevett Wheeler, deft., judgment is awarded the plt. for 1000 lbs. tob. and one man servant due by a paper in the hand of Wheeler. Wheeler appeals to next Gen'l Court. Rich. Wathen security for deft: Mr. Wm. Randolph for the plts..

p. 332

Whereas, actions agst. Mr. Jno. Bland mercht. by request of Mr. Rich. Clark, his atty. were set for this court, but no ship having come from London they are referred to December court by order.

Jno. ffisher servant of Thos. Christian is adjudged 13 years old.

Capt. Robt. Lucie atty. of Capt. Arthur Allen & Jno. Galloes, says that for 250 lbs. tob. & csk. paid by Galloes discharge all complaints agst. sd. Galloes during the late Rebellion.

Thos. Robinson plt. confesses judgmt. to Wm. Coreby deft. for 400 lbs. tob.. Execution returned as sd. Robinson's estate is in the hands of Mr. Blaiton.

Sam'l Blales agst. Mrs. Eliz Tatum admx. of Nevett Wheeler's estate and Elias Osborne her atty. for 1123 lbs. tob. Osborne atty. aforesd. pleads Act of Assembly - no account pleadable agst. a dead man's estate which is allowed. Action agst. the deft. is then asked.

The case of Edw. Gilley plt. agst. Wm. Hind deft. for taking away a hat belonging to plt.. Deft. to pay 250 lbs. tob..

Mr. Minge plt. & Wm. Williamson deft., Mr. Minge was employed to lay out the lands of Wm. Harrison according to the old bounds, requiring the exhibition of the old patents to sd. Minge and Harrison to settle a suit between Wilkins & Harrison. Harrison exhibits his patent but Wilkins refuses his. Minge works unsuccessfully 3 days to discover the lines so prays an order Wilkins. Granted. Court orders Wilkins pay Mr. Minge 400 lbs. tob. also.

Oct 3 1678

p. 333

Ordered that Mr. Rich. Moseby make an account and inventory of the estate of Ann fflenier (? blotted) appraise it and report.

In the case of Mr. Jas. Bisse plt. agst. Jno. Cumbler deft., he not appearing, plt. asks judgmt. agst. the sherr. for 1060 lbs. tob..

Jacob Hill plt agst. Sam'l Blades deft., the plt. and sloop were employed 16 days in transporting tobacco and he paying Robt. Cudeford also the deft. refusing to pay. Judgmt. for 600 lbs. tob..

Coll. Edw. Hill has judgmt. agst. the sherr. for non-appearance of Jas. Gunn. Sherr. prays attachmt..

Mr. Jas. Minge has judgmt. agst. Maurice Bouchier for 259 lbs. tob..

Ordered that Coll. Dan'l Clark show the last year and have power to distreive for all levies in arrears.

Wm. Wilkins plt. agst. Wm. Harrison, Jr. deft for fees of a former suit agst. Jas. Towner and another. For both the deft. proved payment. Case dismissed.

Mrs. Mary Ligon plt. agst. Wm. Wilkins deft. for payment of a judgmt. for 1000 lbs. tob. in a court for Bristol Par. and 55 lbs. tob. for fees which is proved by account of deft.. Judgmt. confirmed but 439 lbs. tob. discounted being paid to Coll. Ligon.

p. 334

Lidia Norvell plt. agst. Edw. Jordan deft. he having gone to Maryland, Mr. Crabb offers security for the deft.'s appearance at next court.

Mr. Jno. Cogin plt agst. Wm. English deft. the deft. not appearing, order given Mr. Cogan agst. the sherr. for 1200 lbs. tob. for no security. Sherr. prays attachmt..

Wm. Theoballs agst. Harmon Bosman referred to next court.

Ordered Mr. Nich. Wyatt and Henry Harmon to appraise as per the estate of Edw. Clanthorne .

Rich. Wathen plt and Wm. Ludford & his wife defts., referred to next court.

Mr. Jas. Biss plt. agst. Eusebius King deft. Deft. not appearing judgmt. agst. the sherr. for 345 lbs. tob..

Capt. Poythers plt. agst. Jno. Hood deft., the deft. not appearing & no security, judgmt. agst. the sherr.. Attachmt. granted sherr..

p. 334 cont.

Coll. St. Ledger Codd plt. & Mr. Ant. Wyatt deft. for things as per account, the deft. asks a referral to show payments. Granted but if no good proof then execution to be issued for 6853 lbs. tob..

Mr. Wyatt agst. Crabb referred to next court.

Wm. Erby plt. agst. Rich. Bradford deft., deft. has non-suit for non-appearance of plt..

p. 335

Ordered Nich. Walker be allowed 350 lbs. tob. for burial, etc. for Edw. Melton. To be paid David Jones.

Judgmt. granted Mr. Jas Minge plt. agst. Ed. Gilley deft. for 400 lbs. tob. due.

Ordered the clerk write & present to the Burgesses a petition for a reward for Fra. Hill & Edw. Gilley, Jr. for capturing the murderer.

Thos. Booth plt. & Jonas Liscum deft. referred to next court.

Maj. Stith, deft., has non-suit agst. Wm. Crabb atty. of Rold. Place.

Complaint of Wm. ffrost, apprentice of Jno. Harrison, taylor, that he was beaten by fellow 'prentices and not taught the trade by his master, also he has been sent for by his mother in Ireland and wishes to be released. The neighbors denying any ill-treatment, the court calls it childish complaint and redraws his Indenture and charges that the art of taylor be carefully taught and at end of indenture his master to give sd. ffrost one good gun, two suits of apparel, linen & woolen from top to toe & one cow & calf.

Ordered Christopher Hudson Adm. of Cuthbert Williams' estate to pay Joseph Bradley his due from the estate he being of age. (I am sure this must be Williamson. Ed.)

The case of Edw. Gilley, Jr. who married Mary, the daughter of Roger Wamsley agst. Jas. Mason who married sd. Walmesley's relict, for a division according to will. The court orders Mason to have a true survey made & the division within a month and if not done then Gilley to have the right of so doing and the court to direct division of the personal estate.

p. 336

Henry Burton has order agst. Edw. Gilley, Jr. for 1 day as witness in the case of Gilley & Minge.

p. 336 cont.

In the case between Hooper def't. and Davis plt. the plt. is granted
8½ bbls. corn in full satisfaction

Court adjourned until 3 Dec. 1678

p. 337

At a court held at Westover

16 Nov. 1678

By His Maj: Justices of Guardians

(This is supposed to be an Orphans Court but records must have been
in a separate book.)

Lt. Coll. Clarke, Mr. Grendon, Mr. Sikes, Maj. Stith.

Mr. Jno. Body presenting a letter of attorney from Mr. _____ Bucker
of London prays it be recorded.

Ordered probatt of the last will of Mr. Wm. Hunt, Sr. be granted Mr.
Wm. Hunt, Jr. according to the Governor & Council.

According to a letter of the Governor & Council Mr. Thos. Blayton was
appointed a Justice for this county & took his place.

Ordered that the sherr. summon Capt. Nich. Wyatt & Mr. Henry Batt to
appear at Westover on the 3 Dec. next to be sworn as Justices by Gov-
ernor's order.

Michael Talbot Adm. of Jno. Nibblert desiring that a capable person be
appointed to settle the account between him, sd. Talbot, and Lt. Coll.
Dan. Clarke, the court appoints Maj. Jno. Stith & Mr. Thos. Blayton to
meet on 9 December next at house of Mrs. Hannah Duke, settle sd. account
& report.

Ordered that Capt. Nich. Wyatt & Mr. Rich. Hill do inventory & appraise
the estate of Jno. Nibblert dec'd & report.

Ordered that the levey court be referred to the 3rd December next at
which time the justices are to bring in their lists and persons with
complaints are to appear.

p. 338

At a Court held at Westover

3 Dec. 1678

Pres: Coll. Edw. Hill: Coll. Dan. Clarke: Mr. Thos. Grendon: Mr.
Thos. Blayton.

Nov 16

p. 338 cont.

Henry Newsom presents an Indian boy which he claims as a slave for life and the court adjudges to be 7 years old. (The Indians could be legally sold into slavery by the Chiefs of their tribes or even given if times were bad but they could not sell or give any one from another tribe. If such were found, they had to be returned, though no attempt was made to impose colonial law on captives the Indians themselves used as slaves. Infrequent instances appear in the order books. Ed.)

In the case of Lydia Nowell plt. and Edw. Jourdan deft. the plt is granted judgmt. for 1400 lbs. tob..

Mr. Henry Batt by Governor's orders is sworn Justice of the Peace.

Mr. Robt. Bolling stands security for Mrs. Gillum, she having the estate of orphan Hugh Leaden in her hands.

In the case of Mr. Jno. Coggan & Wm. English it is ordered that Mr. Jas. Wallace, Mr. Rich. Dods, and Wm. Sanders value enough of the estate of Wm. English as amounts to 600 lbs. tob. including a bed-ticking with costs.

Ordered that the Justices in each parish take part of their warrants to clear the highways.

In answer to Maj. Gen'l Wood's letter about the swearing of a constable, ask that he will issue a warrant to require his appearance.

Wm. Tibballs plt. agst. Harmon Bosman deft., the plt. not appearing a non-suit is granted.

p. 339

Admin. granted ffra. Hill on Minshans estate. Edw. Gilley, Sr. & Edw. Gilley, Jr. security.

Ordered: all actions agst. Mr. Jno. Bland referred to next court.

Mr. Biss vs. King referred.

Henry Newcomb proves right to 200 acs. of land for the importation of Wm. ffintch, Wm. Strong, Thos. Burcher, Ann Graunt, Wm. Strong but one not proved.

Jno. Meacham confesses judgmt. for 200 lbs. tob. to Capt. Arthur Allen.

Non-suit granted Mr. Thweet vs. Mr. Bolling no cause appearing.

Judgmt. granted Mrs. Eliz. Tatum, Admx. of Nevet Wheeler agst. Tho. Stoner Adm. of Mudgetts estate for 760 lbs. tob..

p. 339 cont.

Mr. Minge has judgmt. for 665 lbs. tob. and csk. agst. Thos. Stoner
Adm. of Mudgett.

Michaell Talbott has judgmt. agst. Thos. Stoner adm. of Mudgett for
245 lbs. tob..

Jno. Goode has judgmt. agst. Thos. Stoner adm. of Mudgett for 245
lbs. tob..

The case of Jno. Smith plt. agst. Jno. Weaver deft. is referred to Mr.
Thos. Blayton & Capt. Wyett to settle.

p. 340

Thos. Turner acknowledges haveing received 1263 lbs. of tob. of ffra.
Rea being 1/3 part of his portion.

Judgmt. granted Henry Harman atty. of Jno. Nibblett plt. agst. Rich.
Spencer for 321 lbs. tob..

Henry Debrowne confesses judgmt. to Capt. Lucy atty. of Arthur Allen
for 250 lbs. tob..

Mr. Elias Osborne atty. of Thos. Robinson confesses judgmt. to Mr.
Benj. Harrison for 1001 lbs. tob..

The judgmt. granted agst. the estate of Phillip Limbrey to Dan'l.
Markeys for 578 lbs. tob. is revised to Robt. Lucy assignee of Dan'l
Markey. Elias Osborne summoned could show no reason to the contrary.

4 Dec. 1678

Pres: Coll. Edw. Hill: Mr. Bern. Sikes: Mr. Dan'l Clark: Capt. Poythres:
Mr. Jno. Stith: Mr. Blayton: Mr. Tho. Grendon: Mr. Batt.

Judgmt. granted Thos. Booth plt. agst. Jonas liscum deft. for 331 lbs.
tob & csk..

Admin. granted Hester Foster on the estate of Hester Sharp. Maj. Stith
security and is given authority to administer estate for Hester ffoster.

Judgmt. granted Coll. Hill agst. Thos. Stoner adm. of Mudgett for 827
lbs. tob. by bill.

Judgmt. granted Elias Osborne plt. agst. Wm. Wilkinson deft. for 400
lbs. tob..

Judgmt. granted Mr. Elias Osborne plt. for 100 lbs. tob. agst. Mrs.
Rebecca Giles, deft. and order her to deliver a bill of Jonas Liscum
for 150 lbs. tob. forthwith.

p. 341

Roland Place, Esq., plt., agst. Rich. Hill, deft., Elias Osborne plt.'s atty. and Wm. Crabbe deft.'s attorney both show bills which when discounted and audited allows the deft. 50 lbs. tob..

Coll. Epps agst. Anthony Pryor the sd. Prior appears and promises himself and Mr. Geo. Lee security for Coll. Epps agst. the judgmt of 2000 lbs. tob. for non-appearance of Prior.

Capt. Nich. Wyatt, by order of the Governor, is sworn as justice.

Wm. Hood plt. & Edw. Gilley, Sr., deft. petition to have a decision reversed. Refused.

Henry Jonkings (?) plt. agst. Wm. Pride deft. dismissed.

Dr. Geo. Lee, atty. of Coll. Thos. Swan & Jno. Ludford plt. agst. Mr. Thos. Blayton deft. for debt of 600 lbs. tob.. The deft. shows a judgmt. assigned by Mr. Jas. Minge discounted for 555 lbs. tob. leaving judgmt. of 41 lbs. tob. is awarded plt.. Lee appeals to Gen'l Court.

p. 342

Ordered that Capt. Nich. Wyet & Henry Harman appraise the estate of C. Clanthorne and report.

Thos. Pluckrose has an order agst. Emanuel Alveryes for 1 day as witness.

Ralph Rachell plt. & Thos. Stoner Adm. of Mudgett, ordered that Stoner pay deft. one cow & calf.

Alexander Davidson plt. ffrancis Wilkes deft, sd. deft. did not answer a summons, plt. asks a penalty. But sd. Wilkes was on the country's service. No penalty.

The case of Capt. Nich. Wyet agst. Stev. Hamblin referred to next court.

Sarah James, servant to Mr. Jno. Drayton, having had a bastard child, must serve 2 years more.

In the case of Mrs. Mary Ligon agst. Wm. Wilkinson it is ordered he pay her 400 lbs. tob..

Wm. Wilkinson confesses judgmt. to Wm. Harrison for 20,000 lbs. tob. to stand until the final judgmt. of Mr. Thos. Blayton and Capt. Nich. Wyet on several differences on land bounds can be determined and settled. Likewise Wm Harrison confesses judgmt. and stands for a like sum.

p. 343

5 December 1678

Pres: Coll. Epps: Mr. Poythreys: Coll. Grendon: Mr. Blayton: Mr. Sikes:
Mr. Batt: Maj. Stith: Capt. Wyet.

Mr. Jas. Minge & Mr. Wm. Archer agree in court to join issue at next
court concerning the Clerk's place.

ffra. Ledbeater, deft., confesses judgmt. to Tho. Harrison plt. for
794 lbs. tob. due. Execution 3 April 1679 by Jno. Drayton.

Wm. Theoball, plt., agst. Thos. Body, Sr.. Referred to next court.

Mr. Jas. Bisse, Adm. Toppingham's estate brings his account and prays
a quietus. Granted.

Wm. Gardner agst. Robt. Short order agst. the sherr., Short not appear-
ing no security is taken.

Wm. Irby, plt., agst. Richard Bradford, deft., is referred to the next
court.

Judgmt. granted Wm. Irby agst. Jos. Liscum for 360 lbs. tob..

Judgmt. granted Jno. Turner plt. agst. Fra. Hill deft. for 365 lbs. tob..

Mr. Jno. Coggan, Sr. has a non-suit agst. Thos. Booth plt. for non-
appearance.

The case of Jno. Coggan & Jos. Neednorse dismissed being an account
shown & the 94th Act of Assembly pleaded.

p. 344

Non-suit granted Mr. Marshall agst. Mr. Wm. Theobold.

Judgmt. granted Mr. Osborne agst. Mr. Peter Good as marrying the extrx.
of Theo. Benningfield for 200 lbs. tob..

Jno. Harrison summoned as witness.

Henry Preston, deft., not appearing in the action of Jno. Tate plt.,
order is granted agst. the sherr..

Thos. Boddennell agst. Thos. Cotton referred to next court.

Anne Price widdow agst. Rolfe Pool referred to next court.

Edw. Gilley, Jr., plt., agst. Jas. Mason, deft., about land, the plt.
claiming the division is not according to his father-in-law's will. It
is ordered that the platt made by Mr. Ligon be delivered to the plt.

p. 344 cont.

with this order and that he compare bounds to see if it be according to the will of Roger Wamsley, and that Mr. Jno. Turner & Mr. Silvester Stokes accompany him and give an account to Coll. Dan. Clarke & Maj. Jno. Stith to make report.
Lt. Coll. Dan. Clarke & Maj. Jno. Stith to view and audit the account of effects due from Jas. Mason to Edw. Gilley, Jr. in right of his wife.

p. 345

Ordered Mr. Blayton & Mr. Wyett audit & determine the differences between Jas. May & Ann Price and report.

Edw. Gilley, Jr., Plt. agst. Tho. Wallis, deft., he not appearing judgment. is granted the plt..

Jno. Harrison plt. agst. Thos. Stoner Adm. of Mudgett's estate dismissed.

Jno. Drayton Attorney of Coll. Swan plt. agst. Tho. Stoner Adm. of Mudgett deft. non-suit granted agst. plt. for not proving suit.

Judgmt. confessed by Elias Osborne as Marrying the Adm. of Phillip Limbrey for 990 lbs. tob. & csk out of Limbrey's estate

Judgmt. confessed by Tho. Stoner Adm of Mudgett to Ann Price Admx of Rich. Price for 600 lbs. tob..

Non-suit granted Rich Hill plt. agst. Edw. Norwood deft for non-appearance.

Wm. Sikes plt. agst. Thos. Cotton deft. referred to next court.

Jno. Weaver agst. Mr. Rich Hill referred to next court.

Mr. Wm. Irby agst. Jno. Hix for debt, 1000 lbs. tob. due by bill sd. Irby having contracted to perform a cure on Hix and wife. The deft. claims that the cure not made but plt. asserts the deft. would not be "Reeltd" by him nor follow directions. The court finds for the plt. but will not issue execution until 10 Oct. next when the cure must have been effected.

p. 346

Rich. Wathen agst. Mary Rose referred to next court.

The suit of Rolfe Pool agst. Geo. Wood is dismissed from which plt. appeals to Gen'l Court. Security given.

Judgmt. granted Mr. Roger Potter plt. agst. Mr. Anth. Haviland deft. for 500 lbs. tob., due by bill shown by plt's atty. Mr. Elias Osborne.

p. 346 cont.

The suit of Mr. Peter ffield plt. agst. Rebecca Giles deft. for scandal-
the petition being lost the court allows it presented to next court.

Rich. Hill has judgmt. renewed agst. Coll. Epps then sherr. for 1200
lbs. tob. cost for non-appearance of Jas. Thrall.

p. 347

Thos. Goodgame plt. agst. Roger Reese deft. for taking the plt's boat
and the plt. asks for a jury.
Wm. Hunt: Robt. Bolling: Robt. Netherland: Geo. Woodliffe: Jno. Harrison:
Jno. Hood: Jno. Weaver: Jno. Black: Jonas Liscum: Gewas(?) Dixon: Hen.
Herman.

Verdict: Not finding the boat belongs to Goodgame, there is no cause
for action. Non-suit granted.

Dan. Higdon has non-suit agst. Thos. Goodgame plt. - no cause for action.

Jno. Jone deft. has non-suit agst. Thos. Goodgame plt. No cause for
action.

The suit of Robt. Dennis plt. agst. Jno. Barker deft. is dismissed as
not worth the court's time.

Rich. Wathen has judgmt. agst. Mer. Davis for 400 lbs. tob..

Judgmt. renewed agst. Rebecca Giles granted to Mr. Jno. Coggens in June
for 200 lbs. tob..

Wm. Hoskins plt. agst. Coll. Place deft. referred to next court. The
sherr. having effects in his hands is too keep enough to equal 8,5 lbs.
tob..

Capt. Thos. Lucy & Mr. Robt. Netherland are discharged as security for
the estate of Jno. Harwood's orphan and Jno. Black gives security.

p. 348

Judgmt. granted ffers. Ledbeater plt. agst. Thos. Clark deft for 400 lbs.
tob..

5 Dec. 1678 Pres. Justices as yeaterday.

The case of Thos. Clark plt. agst. ffra. Ledbeator deft. is referred to
next court.

Mr. Jno. Coggan plt. agst. Rebecca Giles deft., the deft. not appearing
a non-suit is granted

Mr. Jno. Drayton plt. agst. Mr. Robt. Jones deft. is dismissed.

p. 348 cont.

6 Dec. 1678 - Present same justices.

To Maj. Stith 2 tithables over charges last year at Mr. Place	392
To Maj. Stith 2 insolvents Melten & Decent -----	392
To Maj. Stith 4 insolvents of Thos. Hill -----	326
The shed of Tobbs. to Maj. Stith being burnt at Widd. Wood's House -----	392
To Maj. Stith for Jno. Ensull -----	196
To Maj. Stith as coroner -----	133
To Maj. Stith an attorney being sued, to town about Mr. Bird's salary -----	400
To Maj. Stith 2 days juryman & 2 days going & coming -----	240

p. 349

To too much brought over (!Bal. fwd.?) -----	2471
To Mr. ffields as juryman in Criminal Court 3 days -----	1240
To 2 days going & coming & writing notes	

To Mr. Tho. Batt as juryman in Crim. Ct. 3 days -----	140
and 2 days going & coming	
To Mr. Grendon for salary due as Burgess not raised last year	531
To Mr. Grendon for assignment from Mered. Davis -----	300
To Mr. Grendon as Coroner on Cuthbert Williams -----	133
To Mr. Grendon as Corner on servt. of Mr. Blayton's -----	133
To Jno. Hardeaway for his horse imprest 2 days -----	130
To Mr. Grendon for summoning a jury of inquest on Cuth. Williams	72
To Mr. Drayton for 2 men guarding prisoner by night -----	40
To summoning 2 men -----	20
To several other charges for prisoners as Par. allowed -----	2150
To 2 Coroner's fees & burying 2 corpse -----	300
To Mr. Drayton for boat & hands imprest to fetch Bonner English	40
To Capt. Wyatt for casks for his tobb. not raised last year for Burgess salary -----	800
To Capt. Wyatt as juryman -----	140
To Maj. Poythres for 2 coroner's fees -----	200
To Jno. Smith as per account -----	872
To Mered Davis as per warrant. Assigned to Mr. Drayton ----	600
To Mr. Blayton for juryman at towne -----	300
To Mr. Blayton 1 coroner's fee on Mr. Harrell's man not allowe to last year -----	500
To Mr. Blayton salary as Burgess June Assembly one-half being paid last year -----	1650
To Lt. Col. Clarke for sevl. imsolvents as per account -----	2396
To Lt. Coll. Clarke for casks for tobb. raised for Mr. Bird in his hands -----	270
To Mich. Talbott for 4 insolvents assigned Lt. Coll. Clarke	784
To Mr. Sykes for 5 days as juryman -----	240
To Jno. Threeweeks for 5 days imprest at 15 pr. diem -----	75

p. 349 cont.	
To Capt. Lucy as per acct. -----	1884
To ffra. Hill for taking the murder -----	200
To Edw. Gilley	
To Thos. Huckebie for 2 yrs storage & for casks not allowed last year -----	4200
To Thos. Huckabee as per acct -----	775
To Thos. Huckabee's wife for sweeping court house -----	200
To Thos. King as per account -----	80
To Ed. Jordan for fething boards & the rest -----	<u>1400</u>
Certificate to the Assembly	25,432

p. 350	
To so much brought over -----	25,432
To Wm. Hoskins as per acct. assigned to Coll. Clarke -----	1,568
To Mr. Shipley for attending court -----	500
To Wm. Archer -----	1,000
To Robt. Netherlands acct. -----	100
To Mr. Osborne -----	300
To Jno. Hobbs towards his loss by fire -----	1,000
To Mrs. Mallare -----	550
To Henry Rogers -----	<u>264</u>
	30,714
To cask & salary	<u>6,142</u>
	<u>36,856</u>

Ordered that Maj. Jno. Stith collect the south side of Westmoreland Par., Mr. Grendon & Mr. Sykes security.

Ordered that Lt. Coll. Dan'l Clarke collect the Par. of Weyanoke, Maj. Stith & Capt. Dan'l Lewelling security.

Ordered that Jno. Smith collect Martin's Brandon & Merchant's Hope with Lt. Coll. Clarke & Henry Batte security.

Ord. that Maj. Fra. Poythres collect Jordan's Par. with Thos. Blayton & Coll. Jno. Epps security.

Ord. that Capt. Henry Batte collect Appamattocks with Maj. Stith & Mr. Robt. Bolling security.

Maj. Jno. Stith for Westover Par. pm north side.	
To 127 levies at 51½ lbs. per head -----	6540½
per cask & sallery -----	<u>1308</u>
	<u>5732</u>

Ordered that he pay the person hereunder "mensoned".

p. 350 cont.

To his own dues -----	2471
Jodell (?) Grendon -----	1079
Jotten (?) Rogs (?) -----	240
James Sykes -----	240
Tho. King -----	80
Jno. Threeweeks -----	75
Jno. Hardeway -----	30
Tho. Hucklebee -----	999
	<u>5332</u>

Jno. Smith collector at Martin's Brandon:

93 levies at 51½ per head -----	4787
Pd. per cask & sallery (?) -----	956
	<u>3833</u>

Ord. that he pay the sd. persons following:

To his own dues -----	872
To Capt. Wyett -----	940
To Wm. Archer -----	1000
To Elias Osborne -----	300
To Mr. Thos. Blayton -----	731
	<u>3833</u>

Jno. Smith Collector of Merchant's Hope:

To 101 levies at 51½ lbs. per head -----	5201
For cask & sallary (?) -----	1040
	<u>4161</u>

Ordered that he pay to sd. per. foll.

Jno. Blayton -----	929
Thos. Huckabee -----	3217
	<u>4145</u>
due to Ball. -----	15
	<u>4161</u>

To Coll. Dan. Clark as Collector of Weyanoke Par.

To 197 levies at 51½ per head -----	7055½
To which in his hands to be pd. Coll Clarke -----	2430
	<u>8075</u>
For cask & sallery -----	1410
	<u>8075</u>

That he pay the sd. pers. foll.

To his own dues -----	2396
To Mich. Talbott -----	784
To Fra. Hill & Ed. Gilley -----	400
To Edwd. Jordan -----	1400
To Mr. Hoskins -----	1560
To Mr. Shipley -----	500
To Mr. Nath. Edland -----	927
	<u>8075</u>

p. 350 cont.

Maj. Fra. Poythres, Collector at Jordan's

To 93 at 51½ per head -----	4789
for cask & salary -----	956
	<u>3833</u>

Ord. that he pay the per. foll.

To own dues -----	266
To Mr. Petr. Field -----	1000
To Mr. Drayton -----	2562
	<u>3833</u>

Capt. Hen. Batt, Collector at Appamatock

To 109 levies at 51½ per head -----	5613
To cask & salary -----	1122
	<u>4491</u>

To own dues -----	140
To Mr. ffield -----	240
To Mr. Blayton -----	800
To Joe Hobbs -----	73
To Capt. Lucy -----	1884
To Jno. Huckabee -----	454
To Mr. Davis -----	600
	<u>4491</u>

p. 351

At a Court at Westover
17 Feb. 1678/9

Present: Lt. Coll. Dan. Clarke: Lt. Coll. Tho. Grendon: Maj. Jno. Stith:
Mr. Thos. Blayton: Mr. Hen. Batt.

Mrs. Sarah Bland proves her letter of atty. from her husband, Mr. Jno. Bland of London.

Lt. Coll. Thos. Grendon showing his account of £9/10 for law and record books ordered from London as per contract to be reimbursed in tobacco at 8 shillings per hundred, it is ordered that Lt. Coll. Grendon be repaid at the next levy.

Admin. on the estates of Charles and Tho. Dunnington is granted to Mr. Jno. Hodges in right of his wife he giving security. Lt. Coll. Dan. Clarke to appraise same and report.

Admin. granted to Jno. Howell on the estate of his father, Jno. Howell, dec'd..

Upon petition of Maj. Jno. Stith it is ordered that he take into his custody and tuition, Dan'l Warriner, one of the orphans of Rich. Handson dec'd., also estate, giving security.

p. 352

Maj. Jno. Stith guardian of Sam'l. Eal, orphan, has run away with Jonas Liscum. Therefore, Maj. Stith prays the court to return him. Liscum and the boy being in court he asks to stay with Liscum. Liscum to appear at next court.

The last will of Jno. Willson being proved, a probate is granted to Mr. Rich. Moseley.

Mr. Jas. Wallis presents to the court an inventory of the 2 orphans of Caser Wallpoll asking that same be recorded. Granted.

Upon the 4th Oct. 1675 admin. on the estate of Thos. Bond was granted Jno. Harrison for the use of wife and children of Bond. The Adm. was to give an inventory, Mr. Jas. Bisse, Mr. Thos. Blayton & Mr. Wm. Duke were to value & appraise sd. estate, which was done. The Adm. not bringing the inventory and appraisal to Court, is ordered that said Harrison appear at next court with the documents.

Writ of arrest ordered for Jno. Harrison in an action brought by Jno. ffrost to answer to the court.

p. 353

Probate granted on the will of Elizabeth Shiptome, mother of Eliz. Moseby and Jno. Reakes, it being proved by the oath of Miles Hobson and sd. son & daughter giving security.

Jno. Snudge servt. to Hen Blanks is judged to be 11 years old.

Jno. Vandevan servt. to Peter Reed is judged to be 11 years old.

Mary Wesson servt. to Coll. Dan. Clarke, showing her indenture was for 4 years and he tries to detain her 5 years, and Coll. Clarke claiming no indenture as he bought her for 5 years, her indenture is invalid an she to serve 5 years.

Coll. Edw. Hill plt. agst. Mr. Jno. Bland deft. referred to the next Gen. Court, Madam Sarah Bland wife & atty. confessing judgmt. to Coll. Hill in double the sum of the debt to have the suit heard then.

Jno. Hardeway & Jno. Ekoll in behalf of the orphans of Thos. Harris, dec'd., agst. Mr. Jno. Bland for 700 lbs. tob. owed for an ox which debt Mrs. Sarah Bland confesses to Maj. Jno. Stith, Guardian.

Probate granted on the will of Jno. Parker to Ann relict & extrx., proved by Elias Osborne & Math. Ballance, she giving security.

p. 354

Coll. Edw. Hill being a creditor to Mr. Bland asks to be excused as judge in any case agst. Mr. Bland.

p. 354

Madam Sarah Bland declares Mr. Rich. Clarke her atty., which is recorded.

All actions agst. Mr. Jno. Bland are referred to the next court.

Wm. Humphreys deed to Morris ffloyd acknowledged and ordered recorded.

Judgmt. granted Mr. Jas. Bisse plt. agst. Eusebius King deft. for 240 lbs. tob. due.

Mr. Jno. Drayton sherr. for neglecting to attend court is fined 1000 lbs. tob..

Abra. Odium and his wife showing that Jno. Peterson lately dec'd, declared that Odium should have management & tuition of his children and their estates, he asks admin. be granted him on Peterson's estate, he giving good security that the mill & plantation be property managed Odium to bring in a inventory.

Judgmt. granted Thos. Bodmill plt. agst. Wm. Theoball deft. for 1 shilling ster. being due upon balance of acct..

The case of Wm. Irby plt. agst. Rich. Bradford deft. for a cure & other physic. This the deft. denies as plt. was paid a hog & 19 lbs. of bacon. Case dismissed.

p. 355

17 Feb. 1678/9

Jas. Hall asks that his earmark be recorded.

Judgmt. granted Mr. Benj. Harrison assignee of Dan'l Roome for 1307 lbs. tob. agst. Maj. Jno. Stith. Security for Herman Bosman.

Ordered Jno. Smith to take custody of Jas. Rigley's estate, give inventory at next court and it to remain in his custody unless no better right of admin. be shown, it will be granted Smith.

Coll. Edw. Hill has informed this court that he has heard that Capt. Grantham has told some of the Council that Coll. Hill has threatened and terrified some of the "eminentest" people of the county and threatened them with how severe My Lord Culpepper would be when he came and that sd. Grantham would inform Lord Culpepper of it. Coll. Hill denies the report and asks each of the members to please give him vindication and declare that they have not heard him make such a threat.

Martha Cordell being of age discharges her guardian Jno. Hamelett of the estate due her.

p. 356

Thos. Stanly has certificate granted to the Assembly for 44 days attending the prisoner, as by order of Gen'l Court.

18th Feb. 1678/9

Pres: Coll. Edw. Hill: Lt. Coll. Dan'l Clarke: Maj. Jno. Stith: Lt. Coll. Thos. Grendon: Mr. Thos. Blayton: Mr. Bernd. Sikes: Maj. Fra. Poythres: Mr. Hen. Batt.

Attachmt. granted Coll. Edw. Hill agst. the estate of Isaac Bates.

Coll. Edw. Hill agst. Morris Burcher, the deft. not appearing order is granted agst. the sherr..

Elias Osborne, atty. of Capt. Wm. Rawlinson, confesses judgmt. to Coll. Edw. Hill for 544 lbs. tob..

Mary Horne being poor asks that she may bind out her child to such person as will take them. Granted. (Is this Archer's mistake? Ed.)

Henry Preston confesses judgmt. to Coll. Edw. Hill for 1075 lbs. tob..

Judgmt. awarded Wm. Hoskins plt. agst. Jno. Harison, deft., for 465 lbs. tob. assigned to Coll. Dan. Clarke.

Ordered Mr. Thos. Blayton or Capt. Nich. Wyett take custody of the estate of Eliz. Barnard, pay debts, and sell remainder at public ourcry.

Anth. Prior agst. Jno. Turner about a servt. man; showing an order passed agst. Coll. Jno. Epps then sherr. for 2000 lbs. tob.. Prior affirmed that he never had a legal trial and proving that the servt. served the time agreed then no execution is to be issued until the case can be investigated.

p. 357

Thos. Stoner, Adm. of Sarah Mudyett, confesses to Jno. Tirrey for 261 lbs.tob..

Coll. Edw. Hill affirming that Tho. Chappell brought in a wolf's head. Referred to county levy.

Mr. Jas. Wallis confessed judgmt. to double the sum which Jno. Turner has agst. Anthony Prior so Prior or his attorney shall appear at the next court, to show reason agst. the judgmt.

Saml. Vokes confesses judgmt. to Jno. Smith for 25 prs. shoes, 2/3 of good Virginia shoes, ffrench fall mens and the rest women's falls & men's plaine.

Non-suit granted Rich. Hill deft. agst. Jno. Weaver plt. no cause of action, Sarah Parker having been summoned.

p. 357 cont.

Hester ffoster, plt., and Edw. Jordan, deft., Roland Place acted as admr. of Hester Sharpe's estate before Hester ffoster was appointed admx., at which time sd. Place legally sold cattle and hogs to Jordan. Non-suit.

From which last claim Maj. Stith, atty. for Hester ffoster, appeals to next Gen'l. Court. Mr. Blayton security for plt. and Mr. Sherwood & Mr. Crabbe for Jordan.

p. 358

Mrs. Eliz. Tatum admx. of Nevet Wheeler's estate, plt. agst. Rich. Hill' deft. is referred to the next court so Mr. Blayton can take the oath of Morrice Bourcher who is sick.

Mrs. Eliz. Drayton, plt., agst. Wm. Hunt, deft., non-suit granted deft..

Coll. Thos. Swan plt. agst. Thos. Stoner adm. of Sarah Mudgett's estate, deft.. Non-suit granted.

Jno. Harrison plt. agst. Thos. Stoner, adm. of Sarah Mudgett estate, deft., dismissed.

Mr. Jno. Drayton plt. agst. Ralph Pool deft.. The deft. has non-suit.

Coll. Thos. Swan plt. agst. Ralph Pool deft., the deft. has non-suit.

Upon the Clerk's motion, the court thinks fit to depute Mr. Jno. Stith, Jr. as "living" convenient to keep an office" to enter necessary papers on the north side of the James.

Upon motion of the Clerk showing that different litigants brought frivolous and troublesome actions which are of small or no importance except to vent spleen depress small estates and waste time of the officers and court, by such malicious suits they become considerably in the Clerk's debt and cannot pay; therefore, the Court leaves to the Clerk's discretion which suits shall be entered and what made a matter of record. (I have no doubt that this is true but to leave the discretion to a political appointee forced by the governor could also allow someone to "vent spleen". Ed.)

p. 359

Admin. on the estate of Fra. West is granted Edw. Robinson being security for the orphan's estate. Mr. Batte is empowered to take inventory and report.

Jervis Dix security for the above admin. being a considerable creditor to it.

Rich. Wathen plt. agst. Mary Ludford deft. about the Estate of Morris Rose. Capt. Bisse & Capt. Wyett, to audit the account, determine it and report.

p. 359 cont.

Lt. Coll. Dan. Clarke certifying that when he was sherr. he served an attachmt. obtained by Mr. Peter Field agst. the estate of Tobias Holford for 494 lbs. tob. upon the estate, proof shown so granted.

Wm. Wathen, the 19th Nov. 1677, had attachmt. for 1517 lbs. tob. agst. Wm. Ludford's estate. It was executed upon 7 hoggs, judgmt. is granted.

Jno. Tate in Nov. 1677 had attachmt. agst. Wm. Ludford for 330 lbs. tob. which was served. The debt appears due, judgmt. granted

p. 360

Thos. Bottom plt. agst. Ralph Pool deft. in an obligation signed by Pool & sealed - the penalty for non-performance being £50. The plt. contracted to work for sd. Pool as a shoemaker in Virginia for 4 years the deft. paying 450 lbs. tob. per year for support of plt.'s wife and children in England. The deft. having served almost his time faithfully and to his master's great profit, has received nothing and his wife & children are in great want, and he prays judgmt. for the same agst. deft.. Mr. Elias Osborne, atty. for deft. prays it be referred to a jury. Mr. Jno. Blayton & Mr. Elias Osborne being acquainted with the deft.'s handwriting were asked if the contract was in pool's hand and said it was, as did others. The jury returned a verdict for the plt.. Jas. Minge foreman. Judgmt. is awarded the plt. agst. the deft. for £70 plt.*appeals to Gen'l Court. *(I think deft. is meant here. See also below. Ed.)

Mr. Elias Osborne enters security for the deft., to prosecute the appeal.

The case of Greene agst. Hamblin referred to next court.

Roger Poynton plt. agst. Wm. Crabbe, deft., non-suit.

p. 361

Wm. Crabb attorney of Roland Place, Esq. agst. Thos. Booth deft. the deft. not appearing order agst. the sherr.

Chas. Dias plt agst. Herman Bossman deft., the deft. not appearing judgmt. agst. the sherr..

Chas. Dias plt. agst. Michael ffletcher deft., the deft. not appearing order agst. the sherr..

Roland Place Esq. has judgmt. awarded agst. Jno. ffrancis for 1138 lbs. tob. by bill.

Judgmt. granted Roland Place Esq. agst. Wm. Crosse deft. for 915 lbs. tob. by bill.

p. 361 cont.

In the suit of Mr. Blades plt. agst. Capt. Jno. Rudds deft., non-suit granted deft.

Row. Place Esq. plt. agst. Coll. Jno. Epps deft. referred to next court.

Row. Place Esq. agst. Jas. Gunn deft., he not appearing order agst. the sherr..

Row. Place Esq. plt. agst. Marmaduke Browne, deft. he not appearing judgmt. agst. the sherr..

Row. Place plt. agst. Thos. Murrell deft. dismissed.

Judgmt. granted Row. Place agst. Jno. Ward deft. for 1730 lbs. tob. by bill.

Judgmt. granted Row. Place agst. Jno. Threewwkes for 735 lbs. tob. by bill.

Judgmt. granted Row. Place agst. Jonas Liscum for 1130 lbs. tob..

Row. Place plt. agst. Robt. Bevis deft: deft. not appearing order is granted agst. the sherr.. Attachmt. granted the sherr..

p. 362

Row. Place Esq. agst. Robt. fflint deft., he not appearing judgmt. is granted agst. the sherr.. Attachment granted the sherr..

Roland Place plt. agst. Jno. Baxter deft. the deft. not appearing judgmt. granted agst. the sherr.. Attachmt. granted the sherr..

Steven Hamelin plt. agst. Capt. Nich. Wyett deft., the deft. not appearing judgmt. is granted the plt. if he not appear in next court.

Jno. Cogan, Sr., June last obtained judgmt. agst. Jno. Loeman for 1000 lbs. tob. now brings action agst. the deft. to see why the judgmt. should not be renewed. No reason. Granted.

Jno. Cogan, Sr. order agst. Wm. Gardner for 5 days as witness in Gardner and Short. Granted.

Jervis Dix & Tho. Thrower referred to next court.

Jno. Smith gave testimony in case of Dix & Thrower.

Jno. Higdledy and his wife have judgmt. for 3 days as witness in case of Dix and Thrower.

Row. Place, Esq. plt. agst. Wm. Lambson deft., the deft. not appearing judgmt. is granted agst. the sherr..

p. 362 cont.

Judgmt. granted Capt. Nich. Wyatt plt. agst. the estate of Sarah Mudgett for 589 lbs. tob..

Jno. Hidgledey confesses judgmt. to Mrs. Mary Horner Extrx for Mr. Har. Horner for 200 lbs. tob..

p. 363

In the case of Mr. Peter ffields plt. agst. Mrs. Rebecca Giles, deft., being for slandering the plt.'s wife, a jury is requested. Verdict for the plt.. 1000 lbs. tob. damage agst. the deft.. Jas. Minge, foreman. The deft. having nothing to say, judgmt. is awarded. But Mr. Wm. Randolph atty. for the plt. states that if Mrs. Giles will acknowledge her statements were false and untrue, that she is sorry for the wrong and ask pardon and in the future "will fairely decently and well behave herself", he will remit the penalty. This, Mrs. Giles does, praying pardon and forgiveness. Deft. discharged.

Francis Hill in prison under execution and information agst. him, shall be brought to court to answer.

p. 364

Jno. Smith informs the court that Hen. Burton & Ed. Gilley several times have entertained & dealt with Indians. The defts. plead not guilty & put themselves on the country. A jury impannelled Jas. Minge foreman. Verdict: "not guilty". The defts. pray "non sute" agst. the informer. Granted.

Fra. Hill prays order agst. Jno. Smith for 3 days attendance as witness in Burton agst. Smith. Granted.

Ed. Phillips informs that Fra. Hill has stolen a hog from him and offers proof, Hill pleads not guilty and asks a jury. Verdict not guilty. The deft. prays non-suit. Granted.

Ralph Pool vs. Ann Price referred to next court.

Hen. Burton having given a heifer to his God-daughter Issabella, the daughter of Wm. Minthan, which heifer is in possession of Fra. Hill who married the relict of Minthen, donor Burton asks security that Isabella shall have sd. gift when she come of age. Edw. Gilley, Jr. security.

p. 365

Mrs. Eliz. Mallory, admx of Capt. Thos. Mallory exhibited the acct. of debt paid. Being all paid, prays a quietus. Granted.

p. 365 cont.

Eusebias King plt. agst. Dan'l. Malone deft. and deft. not appearing
attachmt. is granted the plt..

Judgmt. granted Jno. Williams agst. Alex. Davis deft. for 400 lbs.
tob. by bill.

Mr. Wm. Theoballs agst. Nath. Gowre referred to next court.

Mr. Thos. Blayton to take the deposition of Morrice Boucher in the
case of Mrs. Eliz. Tatum admx. of Nevet Wheeler agst. Mr. Rich Hill.

Rich. Kennon Atty. of Edw. Branch plt. vs. Jno. Higgledey deft., non-
suit is granted deft..

Attachmt. granted Eusebias King agst. Rich. Wythers estate for 400 lbs.
tob..

Mrs. Eliz. Tatum agst. Wm. Hunt deft., the deft. not appearing judgment.
granted agst. the sherr. for 400 lbs. tob..

Alex Davison has order for 3 days pay as witness in case of Mrs. Drayton
agst. Wm. Hunt.

Jno. Mathews has order for 3 days pay as witness, case of Gilley and
Mason.

Jno. Hix has order for 3 days pay as witness, case of Gilley and Mason.

Geo. Butler has order for 3 days pay as witness, case of Hill and Phillips

p. 366

Wm. Jones plt. agst. Jno. Bowles, deft. the deft. not appearing attach-
ment granted agst. the deft..

Wm. Clark plt. agst. Coll. Edw. Hill deft., referred to next court.

Mr. Elias Osborne attorney of Jno. Harrison confirms judgment. for 380
lbs. tob. to Mr. Jno. Drayton.

Mr. Jno. Drayton, Sherr. being fined by the court, same is remitted.

Coll. Jno. Epps vs. Mr. Jas. Biss referred to next court.

Morrice Boucher has attachment granted agst. the estate of Thos. Sharpe
for 850 lbs. tob..

Thos. King, plt. vs. Jno. Baxter, deft., the deft. not appearing,
judgmt. granted agst. the sherr..

Sarah Crews has order for 1 day's attendance.

p. 366 cont.

Thos. King vs. Ed. ffernehead, deft., the deft. not appearing, attachmt. is granted agst. deft. for 222 lbs. tob..

Tho. Walter had order for 4 days' pay as witness, case of Mason vs. Gilley & one of Smith.

Ed. Gilley order for 2 days' pay in case of Jas. Morgan.

p. 367

At a Court at Westover
3 April 1679

Pres: Coll. Edw. Hill: Lt. Coll. Clarke: Lt. Coll. Grenden: Maj. Stith:
Capt. Lewellin.

Coll. Edw. Hill "Obteyning" attachmt. agst. Morris Bourcher, which not being served Coll. Hill prays to be renewed. Granted.

Mr. Chas. Dyes plt. vs. Marshall ffletcher deft., the Sherr. not taking security a judgmt. was granted agst. the Sherr. for 484 lbs. tob..
Confirmed.

Rowl. Place Esq. plt. vs. Coll. Jno. Epps deft., the plt. obtaining order agst. the Sherr. last court for 2000 lbs. tob. for non-appearance of deft., he now appearing and not the plt., the deft. prays a non-suit. Granted.

Rowl. Place Esq. vs. Marmaduke Browne, deft., the plt. having an order at last court for 1200 lbs. tob. agst. the Sherr., the deft. now appearing & not the plt., non-suit granted.

Rowl. Place Esq. plt. vs. Jno. Baxter, deft., the plt. as above judgmt. for 1400 lbs. tob. agst. the Sherr. as above a non-suit is granted.

Rowl. Place Esq., plt. vs. Wm. Lambson, deft.. Judgmt. agst. Sherr. for 1714 lbs. tob. - as above non-suit.

p. 368

Rowl. Place Esq. plt. vs. Jas. Gun, deft. - 2440 lbs. tob. as above - non-suit. (This is not fair. The poor plt. has to take time to come to court until the deft. chooses to do so. Poor Rowland! What a calamity for one day's absence - all to do again next court. Ed.)

Coll. Jno. Epps plt. vs. Mr. Jas. Biss deft. referred to next court.

Mrs. Eliz. Tatum Admx. of Nevet Wheeler's estate, plt., vs. Wm. Hunt, Judgmt. granted for 400 lbs. tob. & csk..

p. 368 cont.

Mrs. Eliz Tatum Admx. of Nevet Wheeler plt. vs. Mr. Rich. Hill deft., the deft. not appearing judgmt. granted plt., if no appearance at next court.

Eusebius King plt. vs. Rich. Wythers, Deft., judgmt. granted at last court on non-appearance of deft. which plt. prays confirmed. Granted.

Eusebius King, plt., vs. Dan'l Malone deft., judgmt. being granted at last court on non-appearance which plt. prays be confirmed. Granted.

Wm. Theoballs, plt., vs. Rich. Goure, deft.. The plt. charges that he had 2 cattle stray, unknown what became of them. The plt. bought them of the deft. for a price including money. The deft. claims they came home, were carefully fed all winter but plt. never demanded same. The winter worsening they were sold under value, the plt. bargaining over drink. Deft. prays a jury. Verdict, "Find for the plt." Jno. Coggan, Foreman.

Jury: Mr. Jno. Coggan: Mr. Jas. Wallace: Mr. Wm. Hunt: Mr. Rich. Moseby: Mr. Jno. Smith: Mr. Steph. Hamlin: Capt. Jno. Hamlin: Mr. Job. Turner: Mr. Jas. Blaymore: Chris. Hudson: Mr. Jas. Mumford: Mr. Jervis Dix.

Mereday Davis, plt. vs. Mrs. Sarah Bland, wife & Atty. of Mr. Jno. Bland, deft., the plt. sues for 15,000 lbs. tob. for 12 months work as smith, being employed by Mr. Giles Bland, dec'd., son & atty. of Mr. Jno. Bland. Mrs. Bland asks a demurrer but Mr. Giles Bland not filing papers as required by act, demurrer denied & trial ordered deft. exhibits contract. Referred to a jury who found for the plt., that it was a bargain.

Jury: Mr. Rich. Dod, foreman: Mr. Jas. Wallace: Mr. Rich. Moseby: Mr. Wm. Hunt: Mr. Jno. Smith: Mr. Steph. Hamlin: Capt. Jno. Hamlin: Mr. Jno. Turner: Mr. Jas. Blaymore: Mr. Chris. Hudson: Mr. Jas. Mumford: Mr. Jervis Dix.

Several members of the court and others declaring that several articles had been paid for, referred to next court and inquiry ordered.

Thos. Green vs. Jno. Hamlin referred to next court.

Fra. Whittingham confesses judgmt. to Coll. Edw. Hill for 395 lbs. tob..

p. 371

Robt. Bonn confesses judgmt. to Coll. Edw. Hill for 315 lbs. tob..

Mr. Robt. Bolling & Wm. Pride to appraise the estate of Jno. Peterson, dec'd., they & the Adm. appear at next court.

Judgmt. to Rowl. Place, Esq., plt., vs. Robt. Rivers, deft., for 1300 lbs. tob. & 4 bu. Indian corn due.

Robt. Hughes, Sr., plt., vs. Mr. Jno. Bland, deft., non-suit granted for non-appearance of plt.

p. 371 cont.

Coll. Thos. Grendon, plt., vs. Mr. Jno. Bland, deft., referred to next court.

Adam Tapley, plt., vs. Mr. Jno. Bland, deft., non-suit granted, the plt. not appearing.

Mrs. Sarah Bland, wife & Atty. of Mr. Jno. Bland, deft., has non-suit vs. ffra. Hill, plt.. No cause of action.

Jas. Tubb, plt., vs. Mr. Jno. Bland, deft., referred to next court.

Admin. granted Jno. Smith on the estate of Jas. Rigley. Jno. Weaver & Hen. Preston, Security.

p. 372 & 373

Mr. Thos. Cocke, plt., vs. Mr. Jno. Bland, deft., for 1344 lbs. tob. contracted by Mr. Giles Bland for provisions & necessities for the use of both plantations of Mr. Jno. Bland then managed by Mr. Giles Bland and proved by due bill. Mrs. Sarah Bland, wife & atty. of Mr. Jno. Bland pleads that sd. bill is owed by estate of Giles Bland as it is in his hand. Mrs. Bland then prays a demurrer based on Magna Charta and various of the common laws of England in effect in the Colonies (and went into Giles Bland's offices & duties for three full pages but the Justices were not hodwinked. Ed.) Found for the plt.. Judgmt. granted for above sum.

p. 374

Jno. Carter, an orphan, is bound to Thos. Stoner.

Ord. that Wm. Grigg & Wm. Gowre appraise and give inventory of the estate of Jno. Howell, dec'd..

Hen. Rogers vs. Jno. Bland, dismissed.

Jas. Munford confesses judgmt. to Wm. Crabb, atty. of Rowl. Place, Esq. for 503 lbs. tob. & csk..

Mrs. Sarah Bland, atty. of Jno. Bland, deft., has non-suit vs. Jno. Pleasants for non-appearance.

Wm. Theoball atty. of Mr. Jno. Pot. plt. vs. Mr. Jno. Bland, deft., action not proved, non-suit granted.

Ordered Jno Smith have keeping of the orphan Jas. Barret and as Jas. Rigley gave him 2 cows sd. Smith is to have charge & give security.

Judgmt. granted Mrs. Eliz. Drayton agst. Wm. Hunt for 434 lbs. tob..

p. 374 cont.

Maj. Poythress declares that he imprest a cow valued at 450 lbs. tob. from Joan Hughson for use of soldiers. Certificate granted to the Assembly.

p. 375

Court - 4th April 1679

Pres: Lt. Coll. Clark: Lt. Coll. Grendon: Maj. Stith: Capt. Wyatt.

Marshall Talbot confesses judgmt. to Lt. Coll. Dan'l Clarke for 371 lbs. tob. & ask. on acct. of Sherr. fees due from Jno. Niblett.

Thos. Patison has certified that he brought home a runaway servt. of Capt. Jno. Hamlin's.

Capt. Jno. Hamlin, plt. vs. Mr. Blayton, deft., the deft. writes that he is ill and asks a postponement. Granted.

Jas. Gunn plt. vs. Mr. Blayton, deft., the deft. being ill prays as above. Granted.

Robt. Abernathy, plt. vs. Jno. Coggan, deft., referred to next court.

Joshua Mecham confesses judgmt. to Job. Rutland for 639 lbs. tob..

Jno. ffrost by Mr. Sherwood his atty. vs. Jno. Harrison, deft.. Non-suit granted, absence of plt..

Maj. Poythress vs. Wm. Hoskins, dismissed.

Attachmt. granted Coll. Thos. Swan agst. the estate of Ralph Pool, deft., for 2000 lbs. tob. for non-appearance of deft..

p. 376

Mich. Talbot, plt., vs. Jno. Harrison, Adm. of Webb's estate, deft.. Judgmt for 374 lbs. tob..

Wm. Hunt, plt. vs. Wm. Crabb, Atty. for Rowl. Place, Esq.. Plt. claims he rented a shallop to the deft. for 1 hhd. tob. and swears on the Holy Evangel. The deft. denies same but judgmt. granted plt..

Jethrow Barker, orphan, complains of abuse by his mother-in-law (step-mother) & prays that he may choose his guardian, he being of age to do so. He chooses Wm. Sanders. Approved.

p. 376 cont.

Thos. Wappoll (servt. boy to Mrs. Barker) complains of abuses of his mistress, which seem trivial. She complaining that servt. is insolent & idle and has twice run away, and this proved, order Wappoll to the whipping post for 30 lashes on his bare back, but Wappoll begging pardon on his knees and promising good behavior and Capt. Wyatt interceding, the punishment is suspended during good behavior, but on infringement Capt. Wyatt is to have him punished.

p. 377

Jno. Case being indebted to Jno. Neblett for 304 lbs. tob. gave his note to Michael Talbot for same. Soon after Neblett died having removed from the county. Talbot was granted an attachmt. issued by Capt. Nich. Wyatt on tobacco in the hands of Robt. Spire. Judgmt. granted.

Thos. King, plt., vs. Edw. Fernehead, deft., for 222 lbs. tob. awarded at last court agst. the deft. not appearing. The attachmt. secured 4 bbls of corn in the hands of Robt. Bevis. Deft. not appearing now., seizure confirmed and awarded plt..

Walter Varnham, plt. vs. Mrs. Lydia Nowell, deft., Elias Osborne atty. for deft. asks referral to the next court. Granted.

Mr. Cocke, Atty. of the plt., prays to present the witnesses summoned for the plt. and who are sworn. Granted, and the depositions taken in writing.

Thos. Huckabee, employed to tend the prisoner Robt. Jones and promised satisfaction, asks same. Referred to the fall.

p. 378

Jas. Laneker, plt. vs. Zach. Ellis, deft., the deft. not appearing attachmt. is granted agst. the sherr.. The Sherr. says he has security & a bond but has forgotten who he is and asks attachmt. agst. the security's estate. Granted. (!!)

ffra. Slead, a servt. boy of Coll. Hill, judged 10 years old.

Jos. Carter, orphan, ordered bound to Wm. Archer.

Nathaniel Jordan, plt. has judgmt. agst. Willkox deft. for 848 lbs. tob. for 51 days work.

Wm. Archer, plt. agst. Wm. Gardner, deft., the deft. not appearing, plt. has order agst. the Sherr. for 400 lbs. tob..

Eusebius King plt. vs. Ed. Robinson, Adm of ffrancis West's estate, deft., the plt. has judgmt. of 800 lbs. tob...

p. 378 cont.

Wm. Jones & wife have order for 4 days pay as witnesses in ffields vs. Giles.

Ann Price plt. vs. Ralph Poole deft., the plt not appearing a non-suit granted.

Jno. Pott, deft., being sued by Wm. Crabb atty. of Ro. Place, Esq., plt., & plt. not appearing non-suit is granted.

Wm. Clanthorne complains that he has a small estate now in the hands of his nother-in-law about which he has several times petitioned the court and since she is likely to embezzle it and has given no inventory nor security, he now petitions that such may be so he can have his right. The court orders the sd. Spencer, late wife of Wm. Clathorn, to appear and answer the complaint.

p. 379

At a court on 4 Feb. 1678/9 Mrs. Sarah Bland, wife and Atty for Mr. Jno. Bland of London Merch. did have judgmt. agst. Mr. Bland for 700 lbs. tob. for an ox bought by Giles Bland son & Atty for Mr. Jno. Bland for use on his father's plantations. To be brief, Mrs. Bland as usual tried to get out of paying the debt by appeal to the Gen'l. Court but the Justices refused to grant sd. appeal. Plt. Jno. Hardaway.

On 4 April 1679 Judgmt. for 1345 lbs. tob. to Mr. Thos. Cocke agst. Mrs. Sarah Bland etc. as above and appeal was denied. The following day Mrs. Bland again appealed through her Att., Mr. Rich. Clark, as above different Justices sitting. Appeal refused. (Evidently the Justices did not care for her wordy and time-consuming tactics to avoid debt.)

Court adjourned until 3 June 1679.

p. 380

At a Court at Westover

18 Feb. 1679

Pres: Lt. Coll. Clarke: Lt. Coll. Grendon: Mr. Bar. Sykes: Maj. Poythres: Maj. Stith: Mr. Blayton: Mr. Hen. Batt.

By mutual agreement Mr. Jas. Minge & Wm. Archer argue their right as Clerk of Charles Co. Court before the court. Sd. Archer exhibits a certificate in writing by the Deputy Governor stating that Jas. Minge has tried to usurp the office of Clerk and to oust sd. Archer and sd. Deputy Gov. declares Mr. Minge not capable of being Clerk but he desires sd. Archer to be Clerk until further Orders.

1 Jan. 1678

Signed: Hen. Chitcheley

Rec'd by Coll. Hill & the other
Justices.

Hen. Hartwell, Clk.

p. 380 cont.

After reading the above, the court humbly accedes but asks that Mr. Minge's incapacity be explained and that it will be further tried on the 3 April at the next court.

Coll. Edw. Hill discharges Thos. Stoner from a judgmt. agst. him as Adm. of Sarah Mudgett for 829 lbs. tob. since he has receipt.

p. 381

At a Court at Westover
3 June 1679

Pres: Lt. Coll. Clarke: Lt. Coll. Grendon: Maj. Stith: Mr. Drayton:
Capt. Wyett: Capt. Batt.

Rich. Wythres confesses Judgmt. to Eusebius King for 400 lbs. tob.
by bill.

Dan'l Malone confesses Judgmt. to Eusebius King for 423 lbs. tob..

Admin. granted Ellin Rogers on the estate of Hen. Rogers, her dec'd.
husband. Coll. Grendon & Maj. Stith securities, Christ. Batte & Jno.
Hardeway to take inventory & appraise.

The last will of Hen. Preston dec'd. was proved. There being numerous
debts and several large legacies the court wishes to consider the desires
of the dec'd but also pay the debts. Ordered that Mr. Jno. Goode,
Mr. Hen. Gerrard, Mr. Thos. Stoner make an inventory and appraise
same.

Admin. granted Ralph Pool on the estate of Morris Bourcher, dec'd., he
being the greatest debtor. Capt. Nich. Wyatt & Elias Osborne, security.

Capt. Nich. Wyatt is to take the oath of the now wife of Michael
Talbott and late wife of Jno. Niblett dec'd. to her inventory of
Niblett's estate.

p. 382

Grendall Delahay having died intestate, left little estate and in-
debted to Wm. Hopkins for 522 lbs. tob. ordered that Wm. Cox appraise
sd. estate and report.

Mr. Wm. Sherwood, Atty. of Jas. Jefrey Extr. of the will of Rich.
Bennett, Esq., plt., brings action vs. Wm. Crabbe, Atty of Coll. St.
Leger Codd as marrying the Extrx. of Thos. Bland, Esq., deft., shows
that the sd. Bennett had judgmt. agst. Anna Bland, Extrx. of sd. Thos.
Bland for £425/7/5 in June 1672, was afterward revived in 1674 & not
having been paid the sd. plt., it is revived again and deft. showing
no reason to contrary, judgmt. awarded plt..

p. 382 cont.

Several persons having pretended and desired the admin. of the estate of Jas. Mason lately dying intestate, some near relations, others pretending the dec'd's wish, & others creditors, the court wishing to be fair orders Coll. Edw. Hill, High Sherr., to take possession of the plantation & personal property of sd. Mason from possession of Mathew Tyler & Ed. Lowe and that the personal estate be sold at outcry and security taken for things sold, that bills and inventory be returned to next court so that bills to be paid can be decided and remainder shall belong to Mary, the dau. of Mary Gilley who was the wife of sd. Mason dec'd.. Court to consider security for same to benefit the child.

p. 383

Coll. Wm Browne, Adm. with will annex. to Mr. Rich. Wolbeck agst. Wm. Crabb, Atty of Rowl. Place, Esq., deft., the plt. exhibits a bond of £25 made to Wolbeck and in the hand of sd. Rowl. Place and asks judgmt. on the same.

Mr. Wm. Sherwood, Atty of Rowl. Place, offers an account and offers further discount by Wolbeck's hand if the court will refer the case to the next court, but the plt. says the deft. should have been prepared and the discount without date. The plt. also wishes to see an account book of sd. Place, it being at Westmoreland, but deft. refused, so plt. wants judgmt. now. Judgmt. granted for £25 execution at next court.

On the petition of Dr. Geo. Lee, Atty. of Anth. Pryor who alleged Pryor was never arrested for Jno. Turner, Turner could not obtain an order agst. the Sherr. Maj. Stith swears that he saw Coll. Jno. Epps arrest Pryor at the suit Turner in Mr. Place's hall. Wm. Hunt, deft., became security. The Court confirms the order agst. Coll. Epps then Sherr..

Wm. Irby, plt, agst. Christopher Hudson, deft. referred to next court.

p. 384

Walter Varnham, plt, against Lydia Nowell, deft., declares that last November the deft. did take up and brand with her mark a young horse belonging to him, and she admits selling same. He asks return of the horse. Deft. claims she has divers marks and had a young horse exactly like plt.'s. She demands proof they were the same. Plt. has 4 witnesses but deft. not satisfied. She asks a jury.

Capt. Jno. Hamlin, foreman: Mr. Jno. Hodges: Mr. Jos. Westbrook: Mr. Mark Mansfield: Mr. Hercules fflood: Mr. ffra. Ledbeater: Mr. Ed. Burchett: Mr. Jno. Woodley: Mr. Abra. Odum: Mr. Wm. Hunt: Mr. Wm. Hopkins: Mr. Jno. Smith. Verdict 50 lbs. of tob. to the plt..

Wm. Archer has judgmt. agst. Wm. Gardner for 400 lbs. tob. and judgmt. agst. the Sherr. void.

p. 384 cont.

Ordered that Ed. Gilley, Sr. be fined for not answering summons for jury.

p. 385

Mr. Paul Williams ordered to be summoned to next court to answer an information of Coll. Edw. Hill.

Jno. Head has order for 3 days pay as witness in case of Gilley & Hind.

Ann Harris showing that she was charged at the death of the mother of two orphan girls to take them, one she kept but gave Dorothy Turner to Mary Mason, wife of James Mason. Mary having died, she is concerned with the future of Dorothy and asks the court to return her to sd. petitioner's care. Granted.

Nich. Mosier summoned to next court to give account of the orphans' estate in his hands.

Mich. Talbott powr. of Atty. to Wm. Randolph to prosecute Jno. Harrison, Adm. of Webb's estate.

Dr. Geo. Lee, Atty of Coll. Thos. Swan, renews attachmt. agst. Ralph Poole for 2000 lbs. tob. on the Sherr. returned at February Court.

June 4th, 1679

Pres: Lt. Coll. Clarke: Maj. Jno. Stith: Mr. Drayton: Capt. Batt.

p. 386

Mrs. Eliz. Tatum, Admx. of est. of Nevet Wheeler, dec'd., plt., vs. Mr. Rich Hill, deft., the deft. proves his denial by oath of Morris Boucher and his own oath which overbalances plt.. Suit dismissed.

Mrs. Eliz. Tatum, Adm. of the estate of Nevet Wheeler, is ordered to bring in an account and inventory to the next court also an inventory of Percifall Barton's.

Rowl. Place, plt., has judgmt. agst. Jas. Gunn, deft., for 2006 lbs. tob. by bill.

Wm. Theoball, plt., vs. Jno. Marshall, deft., the deft. has non-suit.

Wm. Lambson has judgmt. agst. Jas. Gun for 400 lbs. tob. due.

Wm. Theoballs, Atty. of Jos. Potts, plt., vs. Mrs. Sarah Bland, Atty. etc., deft.. Non-suit.

Mrs. Sarah Bland, etc., has a non-suit agst. Wm. Theoballs pretended Attorney of ffran. Thomson, his power not being good.

p. 386 cont.

Mr. Henry Baker's pwr. of Atty. to Mr. Randolph is ordered recorded.

Thos. Stanley confesses judgmt. to Euse. King for 400 lbs. tob. due.

Edw. Gilley, Sr. upon address and submission to the court is discharged the fine for not attending the jury.

Mr. Hen. Baker, possessing the estate of Wm. Baker vs. Mrs. Sarah Bland, etc. referred to the next court.

p. 387

Morgan McKinney's will proved by ?. A probate to be granted to Eliz., relict & Extrx..

ffra. Hill, Adm. and marrying the relict of Minshan vs. Mrs. Sarah Bland Atty of Mr. Jno. Bland, etc., claiming 1400 lbs. tob., referred to next court.

Walter Hunt having left the county, and in debt to Maj. Jno. Stith for 208 lbs. tob., a judgmt. and attachmt. is granted by Lt. Coll. Grendon upon what is left, paid Maj. Stith.

Attachmt. granted Mr. Drayton vs. Rich. Spencer.

Jno. Weavour, late of Marton Brandon, has departed this country indebted to several persons. Wm. Harrison having an attachmt. of Capt. Wyatt secured several hogs, a horse & land but Jno. Smith and Wm. Archer claimed levies and there are Clark's sherr. fees and to be paid first. The remainder to be paid to Harrison towards debt of 877 lbs. tob..

Wm. Jones confesses judgmt. to Mr. Drayton for 2025 lbs. tob. due.

Ed. Gilley has judgmt. for 4 days as witness in the case of Hill and Bland.

Jonas Liscum has judgmt. for 1 day as witness in the case of Hill and Bland.

p. 388

Jonas Liscum has order for 2 days as witness in the case of Davis and Bland.

Jno. Worsman Atty. of Rich. Kosman, plt. vs. Sam'l Russell, deft., who owed plt. 2054 lbs. tob., 1600 lbs. paid on acct. leaves a debt of 454 lbs. tob.. Judgmt. granted

p. 388 cont.

Meriday Davis, plt. vs. Mrs. Sarah Bland, atty of Mr. Jno. Bland, deft., ordered that Davis have all debts that were contracted for Smith's work with Mr. Giles Bland and now unpaid as in Sykes account book and Mrs. Bland be discharged from further expense each bearing their own costs.

Jas. Gun has non-suit vs. Robt. Griffin.

Wm. Crabb Atty. of Coll. St. Ledger Codd, plt. vs. Dan'l Snoch, deft., for 416 lbs. tob. and 2 bbls. of corn. The deft. shows 1 hhd. of tob. seized for debt and allowed to rot. Considering this, judgmt is for 86 lbs. tob. and 2 bbls. corn. Execution after 10th October.

The case of Rich. Auborne plt. vs. Mrs. Sarah Bland, etc., deft. is referred to the next court.

p. 389

Capt. Jno. Hamlin, plt., has judgmt. agst. Mr. Thos. Blayton, deft., for 350 lbs. tob. referred from last court. Deft. again not appearing, the case proved, judgmt. granted.

Fra. Epps vs. Fra. Ledbeator referred to next court.

Jas. Tubb vs. Mrs. Sarah Bland referred to next court.

Eusebius King plt. vs. ffra. Ledbeator deft., the plt. prays a judgmt. granted be removed but some part being paid it is renewed for 1071 lbs. tob. & 166 lb. of pork.

Fra. Ledbeator, plt., vs. Wm. Dobson deft., judgmt. is granted the plt. for 1250 lbs. tob.

Thos. Bird plt. vs. Capt. Wm. Rawlinson, deft., about a mare for which the plt. says he has paid. Deft. pleads performance of contract which is presented to a jury. Verdict 1400 lbs. tob. to plt.. Jno. Hamelin, foreman.

Jas. Gun renews a judgmt. agst. Mr. Thos Blayton for 370 lbs. tob..

p. 390

Coll. Wm. Bird, Commander of the garrison at the head of the James River complains that he is empowered to procure or impress a boat or flatt for their use but can find none in Henrico County so he prays that the Charles City Court will order the Sherr. to impress such a boat or flatt alledging that there are a number of flatts tied up in the creeks. The court orders the Sherr to impress such a boat or flatt with oars and send it up to the garrison by the 15th of June.

p. 390 cont.

Wm. Harrison vs. Tho. Wallis. Judgmt. agst. the Sherr. Mr. Drayton, who desires attachmt. agst. the estate of Wallis. Granted.

Ed. Robinson, plt., Adm. of Fra. West vs. Roger O'Brian about 2 cows taken by force. It so appearing it is ordered that the deft. make delivery of the cows to the plt..

Ord. that Ed. Robinson appear at next court and give security for the extate of ffra. West orphan or the estate be taken from him.

Wm. Hoskins, plt., vs. Edw. Robinson, Adm. of ffra. West, deft.. Judgmt. granted plt. for 400 lbs. tob..

Isaac Coleson plt. vs. Robt. Tucker deft. judgmt. granted the plt..

p. 391
Abra. Odum confesses judgmt. as Adm. to Jno. Peterson to Wm. Hoskins for 314 lbs. tob..

Order that Rich. Spencer as marrying the relict of Clanthorne appear at next court to answer the complaint of Wm. Clanthorne orphan.

Jos. Mattox as marrying the relict of Wm. Bond has judgmt. agst. Abra. Odum Adm. of Peterson for one good ox cart with wheels well wrought and new $4\frac{1}{2}$ ft. high, well "tard" (tired) with iron hoops about the rims.

Wm. Gower vs. Wm. Tibball referred to next court.

In answer to Eliz. Epps, wife of Thos. Epps dec'd., ordered that she keep the estate until next court, the Sherr. to take claims.

Vaughn vs. Higdon Ord. vs. the Sherr., Mr. Drayton.

Capt. Nich. Wyett vs. Est. of Jas. Thompson sues for 500 lbs. tob. for corner's fees.

Jervis Dix, 63 years old & poor, petitions for freedom from levies. Granted.

Wm. Hinds has order for 1 day as witness in case of Robinson and O'Brian.

Jno. Word has order for 1 day as above.

Jno. Hodges has attachmt. agst. the Est. of Robt. Moore. Examined by Coll. Clark, Maj. Stith, Capt. Wyatt.

4th June 1679

Court adjourned until 3rd of August.

p. 392

At a Court at Westover

4 Aug. 1679

Present: Lt. Coll. Dan. Clarke: Lt. Coll. Thos. Grendon: Mr. Jno. Drayton: Capt. Antho. Wyett: Mr. Hen Batt.

The will of Henry Rogers being proved probate is granted Ellen, the widow & relict. Ordered the funeral charges be allowed sd. Ellen.

An agreement between Hercules fflood & Jas. Warebrook, notarized by Geo. Doupeny on behalf of Warebrook and by fflood in court is recorded.

The will of Edw. Wyett, proved by Elias Osborne & Robt. Lurman a probate is granted Capt. Nich. Wyett, Exetr..

Jos. Bradley appears & acknowledges he has received his share of his father's estate & discharges Chris. Hudson, Adm. of Cuthbert Williams est. of all due except 50 lbs. tob. to sd. Bradley for repairing a flock bed tick.

The bill of Dr. Irby for 400 lbs. tob. for administering physic to the orphan Martha Clark wounded by a murder, the court considering allows him 200 lbs. tob. to be paid from the estate of Cuthbert Williams by the Adm.

p. 393

The inventory of Henry Preston's estate to be recorded.

Admin. granted to Mary Saunders the relict of Wm. Saunders, dec'd.. Mr. Jos. Wallis & Mr. Tho. Douglass security. Sampson Ellis & Roger Tilman to appraise estate.

Ordered that Capt. Hen. Batt take into custody the estate of Hen. Hammis, same to be sold at outcry and an inventory and all records with security be returned at next court.

Rich. Awberne, plt. vs. Jno. Bland, deft., for a debt of Mr. Giles Bland as atty for the deft., deft. questioning the bill the plt. asks referral to next court and authority to take depositions out of the county. Granted.

Mr. Fra. Epps plt. vs. Fra. Ledbeater, deft., he not appearing and no security, judgment agst. Sherr. for 494 lbs. tob..

p. 394

At the last court Wm. Harrison, Jr., plt., sued Thos. Wallis, deft., for 340 lbs. tob. by bill assigned by Jno. Weavours. Deft. not appearing & Jno. Smith then under Sherr. not having taken bond, judgment was granted agst. the Sherr.. Now judgment is confirmed.

Capt. Dan'l. Llewellyn has published at this court door that he has a stray bald-faced grey mare, 5 or 6 years old, unbranded & unknown.

Maj. Jno. Stith & Mr. Jas. Bisse to settle and take account of the estate of Edw. Capell in the hands of Nich. Mosier. Report to next Orphan's Court.

The will of Ralph Rachell proved by Hen. Harmond: probate granted the relict, security given.

Mr. Jno. Everitt sub-sherr. took no security when arresting the deft.. He again appearing judgment granted agst. the sub-Sherr.. He taking out execution agst. estate of Theoball judgment is awarded Everitt.

p. 395

Wm. Simons, marrying Eliz. Manfull, relict of Thos. Manfill, dec'd., sues for Admin. of the Estate. James Marshall also requests the admin.. Both order to appear at next court.

Judgment granted Capt. Jas. Biss, plt., vs. Thos. Boydnell, deft., as Adm. of Rich. Smith, dec'd., for 1300 lbs. tob..

Jno. Morning, plt., has judgment agst. Rich. Jones & Jno. Rix, Extrs. of Hen Preston, for 536 lbs. tob..

Dr. Geo. Lee, atty. for Mr. Anth. Pryor, plt., vs. Jno. Turner, deft., being in Chancery is referred to the next court but Turner having a judgment agst. Coll. Epps, it is ordered not to be executed until Pryor's case is settled.

Mr. Bern. Sikes, plt., vs. Thos. Blanks as marrying the relict of Jeffrey Mumford being a matter of dispute is referred to next court. The papers examined & audited by Coll. Thos. Grendon and Maj. Jno. Stith to audit and balance papers to determine dispute.

p. 396

Wm. Irby, plt., vs. Jno. Williamson, deft.. Plt. shows a bill for 765 lbs. tob. but deft. shows one for 333 lbs.. Plt. having no itemized account, the court calls the account balanced.

Mr. Geo. Lee, Atty. of Mr. Anth. Prior, plt., vs. Mr. Wm. Hunt, Extr. of his father, Mr. Wm. Hunt, dec'd, for £7/9/9 due plt. for goods left with sd. Hunt dec'd. as per account dated 1674 & asks judgment. The deft. replies that plt. was in country and made no demand in his father's life. Account not on the books, also outdated. Dismissal granted.

p. 396 cont.

Court adjourned an hour.

(These coffee breaks are a nuisance. Where the roll of Justices is the same I delate them but here Mr. Grendon has left. Ed.)

Capt. Jas. Biss proved there is due him from Jas. Mason's estate 2087 lbs. tob..

p. 397

Nich. Gill proves his claims in pork agst. the estate of Jas. Mason, dec'd., valued at 1220 lbs. tob..

Coll. Dan. Clark proves his due from Mason's estate for 920 lbs. tob. and fees due Mr. Minge for 43 lbs. tob.. Granted.

Mr. Wm. Hunt proves claims for 3318 lbs. tob. from Jas. Mason's estate.

Capt. Wm. Randolph proves his claims agst. Jas. Mason's estate for 400 lbs. tob..

Jas. Hubson proves his claim agst. Jas. Mason's estate for 400 lbs. tob. for 2 months service.

Mr. Rich. Ligon claims from Mason's estate 324 lbs. tob. which will be allowed if he proves by oath it is due. (Is this all that was necessary to prove a debt against an estate? 3000 lbs. tob. owed by Mason. Ed.)

Mr. Bern. Sikes proved claims agst. Jas. Mason's estate for 3045 lbs. tob..

Mr. Thos. Murphy proved claims agst. Mason's est. for 642 lbs. tob..

Thos. Bodynell proved claims for 1407 lbs. tob. agst. Mason's estate.

Mr. Chas. Whitehead atty. of Mr. Jno. Ford proved his claim to 1200 lbs. tob. assigned by Mr. Thos. Cocke for 2 bills made to Mr. Ford for 1175 lbs. tob..

Wm. Tucker by account of fees claims 475 lbs. tob. which the court allows.

Wm. Vaughn plt. vs. Dan. Higdon deft.. The plt. at last court obtained an order agst. the Sherr. for non-appearance of deft. & plt. not now appearing a non-suit is granted.

p. 398

Lt. Coll. Wm. Browne, Adm. of Rich Welbeck, obtained judgmt. agst. Row. Place for £25 but Mr. Wm. Sherwood alleged he had accounts for discount and asked referral. The attorney now having no discount, judgmt. is confirmed to plt..

p. 398 cont.

Aug. 5, 1679

Court Sitts: Lt. Coll. Dan. Clark: Coll Thos. Grendon: Mr. Jno. Drayton: Capt. Wyett: Maj. Stith.

Math. Tyler presenting a claim agst. Jas. Mason's estate is referred to next court.

Wm. Hoskins has an account agst. the estate of Gundoll Delahay for 536 lbs. tob.. Proved, judgmt. granted.

Mr. Jno. Drayton and Jno. Smith being Sherr. last year have judgmt. agst. the est. of Mason for 125 lbs. tob. for fees.

Judgmt. granted Capt. Wm. Randolph, plt., vs. Wm. Pride, deft., for 220 lbs. tob. for Clerk's fees; as Extr. of Mr. Henry Isom, 235 lbs. tob.

Thos. Stoner has non-suit vs. Mr. Jno. Drayton, Atty. of Coll. Thos. Swan.

p. 399

Wm. Hoskins' petition declaring that Jno. Standley left the county in debt to him 1465 lbs. tob.. For his attachmt. executed agst. the estate, there is a mare & tobacco in Coll. Dan. Clark's hands. Ordered this be appraised, Hoskins paid and surplusage reported.

Mr. Wm. Hunt, Extr. of his father's estate plt. sues Mrs. Eliz. Tatum for 753 lbs. tob. due for goods delivered to Robt. Denny for her use as by books of his dec'd. father but Elias Osborne says some of the articles were not for her and issues articles in discount to sd. father and not paid. The plt. shows same to be allowed on account - but same not appearing and the deft.'s articles seeming dear, Mr. Thos. Blayton & Wm. Archer are to examine accounts and report.

Capt. Wm. Randolph, Extr. of Mr. Hen. Isom assignee of the Administrator of Henry & Jno. Richards, plt. vs. Jno. Howell, Adm. of his father Jno. Howell dec'd., deft., the deft. not appearing the plt. has judgmt. agst. the Sherr. for 365 lbs. tob..

Mr. Euse. King, plt., vs. Abra. Odum Adm. of Jno. Peterson, the deft. not appearing, judgmt. granted agst. the sherr. for 2217 lbs. tob. The sherr. asks attachmt. agst. est. of Abra. Odum.

p. 400

Jos. Coulson, plt., vs. Robt. Tucker, deft.. The plt. not appearing non-suit is granted.

p. 400 cont.

Mr. Robt. Bolling plt. vs. Abra. Odum Adm. of Jno. Peterson deft..
The deft. not appearing the plt. prays judgment agst. the sherr. for
800 lbs. tob. & csk.. Granted.

Jas. watkins, plt. vs. Hen Harmond, deft., as marrying the relict of
Jno. Ludwell dec'd. which Ludwell was possessed with an estate of
Thos. Stevens dec'd. for the use of Sarah daughter of Stevens. Harmond
has given no account to the court. Sarah of age to choose her guardian
and Watkins a near relative petitions the court that Sarah may have the
liberty and that Harmond shall be ordered to give a true account. Deft
pleads that the plt. had him arrested in Surry Co. for the same cause
and the Sherr. there had the estate in his custody. The Surry action
will fall by that brought in Charles City Co. so he prays a certificate
to the Surry Court. Referred to next Orphan's Court. Certificate
issued to the Justices of Surry.

p. 401

Ordered that Rich Wethcube is summoned to the next court to answer Jno.
Marshall's information that he does not use scales, weights nor still-
yards in his mill according to law.

Mr. Jno. Terry plt. vs. Jno. Rix & Rich. Jones defts. Extrs. of Hen.
Preston. Judgment was granted agst. the defts. for 1200 lbs.tob. for
medicine & attendance on sd. Preston.

Mr. Rich. Hill atty of Wm. Read and Thos. Meriwether vs. Rich. Jones
and Jno. Rix Extrs. of Hen. Preston dec'd.. Plt. has judgment. for 550
lbs. tob. by bill.

Mr. Jno. Good plt. has judgment. agst. Rich. Jones & Jno. Rix Extrs. of
Hne. Preston for 1676 lbs. tob..

Jno. Smith Adm. of Jas. Rigley has judgment. for balance of account agst.
Rich Jones & Jno. Rix Extrs. of Hen. Preston dec'd. who married the
Extrx. of Thos. Stevenson for 860 lbs. tob..

Jno. Rix & Rich Jones Extrs. of Hen Preston vs. Ralph Pool referred to
next court.

p. 402

Rich. Spencer summoned to give an account of the estate of the orphan
of Clouthorne in his care. Disregarding it, the Sherr. was ordered to
arrest him but Spencer absented himself. The Sherr. is ordered to
take all Spencer's estate into custody.

Aug 4 1679

-112-

p. 402 cont.

Jas. Tubb. plt. sueing in Dec. 1677/78, Jno. Bland of London deft. for 1000 lbs. tob. due for goods as well as debt of Mr. Jos. Potts account acknowledged & underwritten by Mr. Giles Bland which action at request of deft.'s attorneys here has been from court to court until arrival of Mrs. Sarah Bland it was referred to this court when Mr. Rich. Clark, deft's attorney, pleads that Mr. Giles Bland was deft's limited atty. only having power to sue & take into possession but no recoveries. Sd. Giles was in his Majesty's employment and not that of his father and the action brought should be agst. the estate of Mr. Giles Bland and not the deft.. The plt shows Giles was in possession of a plantation and servants of the deft., the debts were made in the exercise of his duties there and prays judgmt.. Awarded 1000 lbs. tob. and all costs. Def't. appeals to next Gen'l. Court. (People are proud of the Blands! Ed.)

Mr. Henry Baker in possession of the est. of Mr. Wm. Baker dec'd. plt. through his atty. Mr. Wm. Randolph sues Mr. Jno. Bland of London deft. for 1176 lbs. tob. by bill, sold to Mr. Giles Bland for the use of the plantation of the deft.. Judgmt. granted to plt..

p. 403

Fra. Hill Adm. and as marrying the relict of Wm. Minchen dec'd., plt. vs. Mr. Jno. Bland deft. for 1400 lbs. tob. for work done to deft's. mill which being proved judgmt. is awarded the plt..

p. 404

Jas. Gunn plt. vs. Wm. Lambson deft., the same be referred to Mr. Silvester Stokes & Andrew Crews and if any difference the court appoints Jno. Turner to be umpire to decide same.

Court adjourned to the 3rd. Oct. 1679

(Memo Morris Calhahop & Jno. Lott servts. to Coll. Hill, adjudged as Ord. in Orphan's Book. Sept. 15, 1679)

At a Court at Westover
15 October 1679

Pres: Lt. Coll. Dan. Clarke: Lt. Coll. Thos. Grendon: Maj. Jno. Stith: Mr. Jno. Drayton.

Rich. Wythers confesses judgmt. to Wm. Randolph for 423 lbs. tob..

Robt. Netherland plt. vs. Adam Ivey deft., attachmt. granted agst. the deft's estate.

Susanna Barnes, servt. to Jno. Baxter, confesses that she had a bastard child. Ordered to serve 2 years more.

p. 404 cont.
Admin. with will, granted to Wm. Gardner in right of his wife on the estate of Marshall fletcher with security.

p. 405
Ordered Mr. Saul Williams turn an inventory of the estate of Jno. Broch in to the next Court: that Mesrs. Wallace, Dougliss, Tate and Peeple appraise it. Capt. Wyett to swear appraisers.

Ordered that creditors of the estate of Hen. Chammiss be referred to the next Court, Capt. Batt not being now in health.

Edw. Redich has an order for 105 lbs. tob. to be paid out of the county levy for the country's business.

Isaac Cowlson has Mr. Wm. Randolph recorded as his attorney.

Admin. is granted Hercules flood & Jas. Westbrook on the estate of Thos. Mansull, dec'd..

Maxmilian Mansull presents an account for funeral expenses of Thos. Mansull agst. Her. Flood & Jas. Westbrook as Adms. for 956 lbs. tob. but is allowed only 806 lbs. tob..

Wm. Goskins has attachmt. agst. Thos. Standley served upon a mare at last court. Mat. Gibbs and Wm. Cox sworn by Capt. Batt. Appraised mare at 600 lbs. tob. judgmt. granted Hoskins.

Jno. Rookes & Rich. Jones Extrs. of Hen Preston plt. vs. Ralph Poole deft. sueing last court agst. Poole as Adm. of Morrice Burcher dec'd. for 493 lbs. tob. by bill. Mr. Osborne, atty. for deft. objected that plts. should appear to swear if any part was paid. Referred to next court to allow plts. to declare same before Capt. Wyatt.

p. 406
Mr. Jno. Hedges has attachmt. renewed agst. Capt. Robt Morris for 4360 lbs. tob..

Mr. Anth. Wyatt showing that Thos. Epps, Jr. lately dec'd had married his daughter, Wyett had given a bed furniture and other things and petitioner does not want the above gifts included in any way in Epps estate. Granted.

Edw. Gilley, Jr. shows that he has land due him in right of his wife from the estate of Jas. Mason dec'd and asks the records be searched for that which is his due. Granted.

p. 406 cont.

Mr. Wm. Randolph Extr. of Capt. Hen Isham assignee of the Adms. of Henry & Jno. Richards dec'd plt. has judgmt. agst. Jno. Howell Adm. of his father Jno. Howell dec'd. for 365 lbs. tob..

Admin. granted Jno. Galloes on the estate of Mathew Rushing as marrying the relict.

Judgmt. awarded Mr. Eusebius King agst. Abr. Odium Adm. of Jno. Peterson 1696 lbs. tob. by bill.

Coll. Thos. Grendon has judgmt. agst. Abra. Odium Adm. of Peterson for 790 lbs. tob. due by bill.

p. 407

Jno. Baxter has judgmt. agst. Wm. Crabb atty. of Coll. St. Ledger Codd as marrying the relict of Theo. Bland for 3042 lbs. tob. to balance of acct. but Mr. Crabb has Jno. Baxter's bill for 2000 lbs. tob. and asks it may be deducted. Baxter consenting, judgmt for 1042 lbs. tob..

Admin. granted Jno. Hardeway on the estate of Ebbett Harris dec'd..

Coll. Edw. Hill assignee of Edw. Sanderson has order agst. Mason's estate for 300 lbs. tob..

The claims agst. the estate of Mason are now looked into by the court. Ordered that Coll. Hill be empowered to sue and to receive debts due the estate, he to pay all debts, deducting 10% for fees. (Did others think as I? Ed.)

Edw. New & Rich. Guy to be committed to prison until they give security for good behavior and pay 1 hhd. of tob. fine. Remitted on promise of good behavior.

p. 408

Dan'l Snook has testified by several witnesses that he said of Ben. Fasnoe, rebell, he wished that there were 1000 such in Virginia. The Court were about to committ him to prison but he acknowledged his fault and asked forgiveness which is allowed, Jno. Tate & Thos. Stoner security of 20,000 lbs. tob..

Capt. Wyett renewed the order agst. the estate of Phil. Lymbrey for 600 lbs. tob. 16 Sept. 1678. Court states Elias Osborne should pay it.

Geo. Downing has order for 200 lbs. tob. & csk. agst. the estate of Hen. Chammo.

p. 408 cont.

Court for Charles City County
16 Oct. 1679

Mr. Rich. Clark having taken a bill of Rich. Wathen for his Atty. fees, court grants an attachmt. agst. Wm. Archer.

Judgmt awarded Math. Tyler for work on the estate of Jas. Mason for 2000 lbs. tob..

Mrs. Eliz. Drayton summoned to next court to give security for the estate of Jno. Drayton dec'd.

The information agst. Rich. Wathen by Mr. Jno. Marshall is referred to next court.

p. 409

Wm. Archer plt. vs. Rich. Wathen deft., the plt. sent 17 bu. wheat to deft.'s mill and only received 13 back mixed with corn and damaged. Pleads Act of Assembly. The deft.'s atty. Mr. Rich. Clark claims 32nd Act, mandatory to file a day ahead of court. Dan. Clarke's deputy, declares the petition was filed 2 days before Court. A jury ordered. Mr. Sam'l. Smith, foreman: Allen Jenkins: Rich. Dodd: Jno. Galloes: Jno. Baxter: Jno. Barboe: Jas. Wallace: Rich. Moseby: Edw. Gilley, Sr.: Robt. Tucker: Syl. Stoakes: Jno. Turner. Verdict: We find the meal abused. Award plt. 1000 lbs. tob. by Act. Ordered that the jury be paid by the Sherr..

p. 410

Judgmt. awarded Coll. Thos. Swan plt. assignee of Rich. Hill, assignee of Robt. Bolling vs. Ralph Poole deft. for 2000 lbs. tob. which deft. acknowledged.

Wm. Harrison plt vs. Wm. Wilkins deft. non-suit: no cause for action.

Capt. N. Wyett vs. Wm. Crabbe Atty. of Rowl. Place deft., the plt. not appearing, deft. consents to referral to next court.

Wm. Dare by his Atty. Thos. Huckabee has judgmt. agst. the Sherr. for non-appearance of Jno. Kenner for 400 lbs. tob..

Jno. Black, Atty of Thos. Pluckrose confesses judgmt. to Wm. Randolph, Atty. of Thos. Moore, Assignee of Antho. Haviland for 2000 tob..

Isaac. Coulson vs. Robt. Tucker referred to next court.

Oct 16 1679

p. 410 cont.

Mr. Rich Hill had judgmt. agst. Coll. Jno Epps Sherr. in Dec. 1675 for non-appearance of Jas. Thrall for debt of 1200 lbs. tob. which was confirmed in Feb. Court. Plt. sued several times to renew judgmt, it not having been paid. Coll. Epps dying plt. sued John Epps, Jr. Adm. in Oct. 1679. Judgmt and execution confirmed.

p. 411

Thos. Douglass has order agst. the Sherr. for non-appearance of Jas. Liscum for 250 lbs. tob. & csk..

Jno. Barloe plt. vs. Abra. Odum Adm. of Peterson deft. non-suit. Plt. did not prove his point.

Eliz Rachell Extrx. of Ralph Hatchett vs. Jno. Rix & Rich. Jones Extrs. of Henry Preston. Order agst. the Sherr. for 350 lbs. tob..

Mr. Jno Epps has non-suit agst. Jno. Harrison. No cause of action.

At Feb. 6th. Court, Capt. Nich. Wyett and Capt. Jas. Biss were to audit the account of Mary Ludford and Rich. Wathen who neglected it. Capt. Wyett and Wm. Harrison are ordered make the audit.. Rich. Wathen to deliver a copy of the order to Mary Ludford if she appear not at next court, auditors make no report due to her fault, judgmt will be for the plt..

Court adjourned 1 hour.

All Justices as before except Capt. Llewelin.

p. 412

Jno. Turner plt. vs. Jno. Epps Adm. of Coll. Jno. Epps dec'd. by a writ: to show why judgmt. granted Feb. 8, 1677 to the plt. for 2000 lbs. tob. for default of sd. Coll. Epps having not taken bond in an action agst. Autho. Pryor in 1676, Coll. Epps then Sherr. and having been divers times referred at request of Dr. Geo. Lee, atty for Autho. pryor and twice argued & confirmed in Coll. Epps lifetime judgmt. is again granted the plt for 2000 lbs. tob. from which Dr. Lee makes appeal to next Gen'l Court which is not reasonable & denied since Execution has been ordered.

The action of Dr. Geo. Lee Atty. of Autho. Pryor plt vs. Jno. Turner, deft., in Chancery non-suit granted, no cause for action seen.

Wm. Crabb Atty. of Rowl. Place vs. Jas. Gunn for 2 steers & 408 lbs. tob. due by contract, viz. that the plt. should acquit the deft. from a lease of Place's land. The deft. denies lease as he has no copy and plt has rented part of land to Jer. Woodall. Ord. deft. to pay arrears of rent. Leases recorded at deft's. expense. Plt. & deft. to pay own costs.

p. 413

Mr. Bern Sykes assignee of Mr. Jno. Drayton plt. vs. Joshua Mechem deft.. The plt. has judgmt. agst. the deft. for 1698 lbs. tob. due by judgmt. to Mr. Jno. Drayton 16th Aug. 1678 for 1489 lbs. tob. & for 259 tob. fees & levys. Judgmt. awarded for 1200 lbs. tob. plus cos and expenses. (This was 2 items but from notes on side as to execution seems to be the same. Ed.)

Judgmt. awarded Mr. Sykes vs. the estate of Alex. fflowler in the hands of Mr. Rich. Moseby for 681 lbs. tob. for funeral of Ann fflowler.

Capt. Dan'l Llewelin has published that a small stray unmarked black bull is in his pasture.

Confirmed judgmt. of Fra. Epps agst. Jno. Smith sub-Sherr. for non-appearance of Fra. Ledbeater, but no execution until after next court. Attachmt. granted the sub-Sherr. agst. Jno. Smith.

Ed. Jordan, Wm. Cross & Eliz. Marshall, one day as witness vs. Wm. Crab Atty of Rowl. Place.

Wm. Archer plt. has judgmt. agst. Rich. Smith for 2144 lbs. tob. being confessed by Mr. Wm. Randolph, Atty for sd. Smith.

Wm. Archer plt. & Mer. Davis deft.. He not appearing, judgmt agst. Sherr..

Attachmt. granted Jas. Gunn plt. vs. the est. of Wm. Lambson deft..

Jno. Baxter vs. Mr. Jno. Terry is referred, deft. being sick.

Jno. Drayton Atty. of Coll. Thos. Swan vs. Thos. Stoner Adm. to Sarah Mudgett referred to next court.

p. 414

Jno. Baxter plt. vs. Wm. Crabb Atty. of Rowl. Place deft. referred to a Jury. (Names omitted by clerk. Evidently about a stray cow. Ed.) Verdict: We find for the plt plus cost that Esq. Place did not cry her according to law & she had a calf which is to be returned with the cow.

Ord. that Jno. Baxter be employed to mend the steps to the courthouse.

Mr. Rich Auborne plt. vs. Mr. Jno. Bland referred to next court.

Court adjourned to 3rd. of Dec. 1679

p. 415.

At a Court at Westover
3rd of Dec. 1679

Present: Lt. Coll. Dan'l Clarke: Lt. Coll. Thos. Grendon: Capt. Wyett:
Capt. Batt.

Verbal will of Philip Owen is proved by the oaths of Philip Owen son of the dec'd and Eliz. Rawlins, (viz.) that after debts are paid the estate is to be divided between them.

Henry Jones servt. of Jno. Lewis is assigned to Mr. Joseph Harwood for 5 years. Jones because of misdemeanors is due to serve longer. By agreement Lewis assigns him to Harwood and acquits him of some time.

Tobacco in the hands of Lt. Coll. Clark in dispute between Mr. Wm. Hopkins & Ro. Place to remain in Coll. Clarke's hands until next court.

Persons having small claims agst. the estate of Henry Chamins prove same before Capt. Hen Batt.

Judgmt. to Mr. Rich Liggon agst. the estate of Jas. Mason for 324 lbs. tob..

Ed. Gilley, Jr. having claims by right of his wife Mary by her father Roger Wamsley. It is ordered Gilley be allowed 200 lbs. tob. himself as they having received nothing.

p. 416

Christopher ffoster, Adm. of Jno Emerson by his Atty. Mr. Harrison have judgmt. from Elias Osborne Atty of Jno. Rix & Rich. Jones Extrs. of Hen. Preston for 500 lbs. tob..

Mr. Jno. Drayton Atty. of Coll. Thos. Swan has judgmt. agst. Thos. Stoner Adm. of Sarah Mudgett for 700 lbs. tob..

The will of Thos. Gregory proved and probate granted to Joyce the wife & Extrx.. Mr. Jno. Turner & Hen. Blanks to take inventory and appraisal Extrx. to give security & Lt. Coll. Clarke to secure appraisers.

Wm. Harrison Atty of Eliz Rachell Extrx. of Ralph Rachel has judgmt agst. Jno. Rix & Rich. Jones Extrs. of Hen. Preston for 350 lbs. tob..

Wm. Osborne Atty. of Jno. Rix & Rich. Jones Extrs. of Hen Preston confess judgmt. to Mr. Jas Minge for 1084 lbs. tob..

Mr. Rich. Auborne plt. vs. Jno. Bland, referred to next court.

Mr. Elias Osborne & Eliz. Shippley plts. vs. Mr. Wm. Dare is referred to next court.

p. 416 cont.

Mr. Wm. Gowre confesses judgmt. before Lt. Coll. Thos. Grendon and Capt. Hen. Batt for 490 lbs. tob..

(This was another one hard to collect. All through 1680 Wm. Bishop was trying to execute the order as by the marginal notes. Ed.)

p. 417

Jno Peterson dec'd. estate consisting of a mill & other perishables which need care which Henry Odum Adm. is not giving. He cannot find security as Adm. so the court removes Odum & makes Mr. Hen. Batt. Adm.. But Mr. Batt objects that the mill is the largest estate and subject to attacks by Indians and by fire. If the court will remove liability in case of such fire or injury by Indians then he would accept adm. of estate & guardianship of the orphan. The court consents. Maj. Jno Stith security. Odum ordered to deliver the estate and if dilatory the Sherr. is to eject him.

Henry Blanks non-suit agst. Mr. Sykes.

Mr. Hen. Batt has certificate granted to the Assembly for rent of a house at 100 lbs. tob. per month for 4 months for use of Racengers.

Isaac Couldon plt vs. Robt. Tucker deft., the court finding a nice point of law required refer it to the next Gen'l Court.

p. 418

Robt. Netherland plt. vs. Adam Ivey deft.. Found that 50 acs. rented by Ivey from Jno. Ludwell belongs to the plt. having been bought by his father from Thos. Madder. The deft. is a trespasser. The Sherr. ordered to put Netherland in possession.

Coll. Edw. Hill renews judgmt. agst. Mrs. Eliz. Tatum Admx. of Thos. Wynters for 787 lbs. tob..

Thos. Cotton has non-suit vs. Thos. Bodmill.

Wm. Wilkins & Jno. Daniel plts. have order agst. Robt. Netherland for 3 days as witness.

Rich. Spencer to make speedy delivery of the estate of Wm. Clanthorne.

Capt. Nich. Wyatt & Mr. Jno. Goode enter security for the estate of the orphan of Jno. Brock in Paul Williams hands.

At the last court Capt. Nich. Wyatt & Mr. Wm. Harrison were to audit and settle the account of Rich. Wathen plt. & Mary Redford deft.. Report: Deft. owed the plt. 774 lbs. tob.. Judgmt. awarded. Also found charges for Jno. Drinkwater & Abr. Heath for 1590 lbs. tob.. Deft. is ordered to next court to show why she should not be charged.

p. 419
Judgmt. awarded Wm. Tucker plt. vs. Meriday Davis deft. for 500 lbs.
tob..

Court adjourned to Dec. 11.

At a Court at Westover
11 Dec. 1679

Pres: Lt. Coll. Dan'l Clark: Lt. Coll. Tho. Grendon: Maj. Jno. Stith:
Capt. Nich. Wyett.

Wm. Archer asks Adm. of the estate of Rich. Smith dec'd., as greatest
creditor. He is granted Adm. if the widow disclaim administration
at next court. Mr. Jno. Tate & Mr. Peter Good to take inventory &
appraise the estate.

Chris. ffoster having judgmt. agst. Jno. Reekes & Rich. Jones Extrs.
of Hen. Preston. Part of the debt is proved paid. No execution until
next court.

Mr. Robt. Netherland Assignee of Elias Osborne plt. vs. Jno Harrison
deft. Dan'l Clarke Atty. of the deft. confesses judgmt. for 820 lbs.
tob..

Ord. that Rich. Wather be summoned to next court to answer complaint
of Jno. Marshall, grand juryman.

p. 420
Mr. Jno Hodges has attached goods held by Mr. Thos. Blayton belonging
to Capt Robert Morris. Blayton plead that he had no goods belonging
to Morris. Because of contrary evidence Blayton is ordered to appear
and take oath before Capt. Nich. Wyett.

Capt. N. Wyett plt. & Wm. Crabb atty of Ro. Place deft. differ as to
balance owed. Sd. Crabb ordered to bring Place's books to next court.

Meriday Davis atty. of Jonas Liscum confesses judgmt. to Jno. Smith
atty. of Thos. Douglas for 250 lbs. tob..

Robt. Beesley plt. vs. Wm. Lambson deft. over a contract. Ordered the
deft. pay 2 shirts, one pair of shoes and stockings and all costs.

Coll. Dan'l Clarke plt. vs. Adam Ivey deft. - the deft. not appearing
the plt. has judgmt. agst. the sherr..

Adam Ivey plt. vs. Rich Wathen deft. neither appearing suit dismissed.

Elias Osborne atty. of Jno. Rickes & Rich. Jones Extrs. of Henry Preston
confess judgmt. to Capt. Nich. Wyett for 781 lbs. tob..

p. 420 cont.

Dr. Jno. Coggan plt. vs. Mr. Thos. Blayton Atty. of Mr. Sadler & Quiny., Deft. not appearing plt. has order agst. sherr..

Edw. Norwood atty. of Wm. Norwood has judgmt. agst. Nich. Pory for 440 lbs. tob. & csk..

p. 421

Jno. Hix plt. vs. Dr. Wm. Irby deft for assault & battery is referred to a jury. Verdict for the plt: 400 lbs. tob.. Wm. Harrison, foreman.

Judgmt. granted Lt. Coll. Dan'l Clark plt. vs. Dr. Jno. Terry deft. for 266 lbs. tob. for levies & fees.

An order in Oct. Court for Dr. Wm. Irby plt vs. Jno. Hix deft. for 1000 lbs. tob. to plt. but no execution until Oct. 10th next. Meanwhile Irby was to perfect the cure of Hix. Irby not treating Hix nor seeing him, the judgmt. is void.

Jno. Cole servt. to Morris ffloyd ran away & took his master's property. ffloyd was put to trouble & expense. It is ordered Cole do serve his master 5 months beyond his indenture. The which servt. with above time, ffloyd assigns to Jno. Marshall.

End of 1679

(The above is a mistake as Great Britain did not change to Gregorian Calender until 1758. Ed.)

INDEX

ABERNATHY, Robert	98	BARTON, Percifall (and below?)	103
ALBERRY, Emanuel	61	Peacable (see Personner)	62
ADDARUS, Christian	25	Personner (Peacable?)	11, 62(?)
ALDRIDGE, William	56(2)	BATES, Isaac	89
ALLEN		BATT, Thomas	83
Arthur (Archer), Capt.	11, 13(3)	BATTE, Christopher	101
42, 43(2), 44(2), 46, 53, 64,		Henry, Capt.	33, 76, 77, 78, 80
72, 73, 77, 78		84, 86(2), 89, 90, 100, 101,	
Richard	38	103, 106(2), 113(2), 118(2),	
ALVERYEZ, Emanuel	79	119(2)	
AMOS, John	66, 67	BAXTER (BUXTER), John	4, 24, 30, 46
APPAMATTOCKS	84, 86	54(2), 63, 68, 92, 94, 95,	
ARDLINGTON, Anne	23	112, 114(2), 115, 117(2)	
Edward	23	BAYLEY, Abraham	50
ARCHER, William	21, 22(2), 37, 48	BECK, Edward	58
58, 66, 67, 68, 72, 80, 84(2),		BEESELEY, Robert	120
85, 99(2), 100, 102, 104, 110,		BENFORD, James	60
115, 117(2), 120		BENINGFIELD, Henry	49
ATHORNE, Robert	25	Neomy	49, 57, 58
AUBORNE (Awberne), Richard	105, 107	BENNETT, Richard, Esq.	
	117, 118	BENNINGFIELD, Theophilus	57, 58, 80
AVERY, William	42	BERKELEY, Sir William (Gov.)	2, 18, 22
AWBERNE (see Auberne; Auborne)		BERNARD, William	57
AYCOCK, Thomas	55	BEVIS, Robert	92, 99
		BILLINGS, John	2, 8
BACON, ffrancis	50	BINFORD, James	58
BAITES, Isaac	25	BIRD, Thomas	56, 83(2), 105
BAKER, Henry, Mr.	104(2), 112	William, Coll.	105
William	104, 112	BISHOP, Elizabeth	16
BALLANCE, Mathew	87	Henry	16
BALLAND, Mary	13	John	06, 16(2), 28(2), 49, 64(3)
BALLESTON, Thomas	35	Sarah	16
BANISTER, John	58	Sarah (the younger)	16
BANKS, John	21	William	119
Susannah	67	BISS, James, Mr., Maj.	15(3), 23, 43
BARBER, John		44, 53, 54(2), 55, 58, 64(2),	
(BARBEE?)	64(2), 115	74, 77, 80, 87, 88, 90, 94,	
BAREFOOT, George	34	95, 108(2), 109, 116	
BARHAM, ____ Capt.		BISSE, John, Mr.	7(2)
Justice Surry	39	BLACK, John	38, 60, 82(2), 115
BARKER, Elizabeth		George	61
(see Lymbrey)		BLADES, ____ Mr. (Samuel?)	92
John	13(2), 26(2), 44, 71, 82	(see Blaydes) Samuel	36, 63, 67
Jethrow	98	71(3), 73, 74	
____, Mrs. (This is not Sarah		BLAKE, George	70(2)
as she was dec'd on p. 26.)	99	BLAND, Anna	101
Sarah (see Taylor & Lucy)	26	Edward	2, 3, 5, 16(2)
BARLOE, John	116	Giles	37, 53, 67, 96, 97(3)
BARNES, Susanna	112	100, 105, 107, 112(4)	
BARNET, Elizabeth	8(2), 34, 89	John	36(3), 39, 41, 73, 77, 86
James	8, 13, 32, 46	87(3), 88, 96(2), 97(10), 100,	
William	54	104, 105, 107, 112(3), 117, 118	
BARRETT, James	69, 97	(P. 41 is listed here as the	
		item referred to Bland's est.)	

BLAND (contd.)

Sarah, Mrs. 86, 87(2), 88, 96
 97(3), 100(3), 103, 104(2),
 105(3), 112
 Theo 114
 Thomas, Mr. 62, 101(2)
 BLANKS, Henry 14, 17, 20, 23, 27, 31
 73, 87, 118, 119
 John 62(3)
 Thomas 108
 BLASNOUR, James 40
 James, dec'd 40
 BLAYDES, Samuel, Jr. (see Blades) 61
 BLAYMOUR, John 50, 66, 96(2)
 BLAYTON, Thomas, Mr. 3(2), 5, 11(2)
 17, 18, 20(3), 26, 28, 31,
 41(2), 43(2), 46, 49, 50,
 61(3), 62, 64(2), 67, 70,
 73, 76(2), 78, 79(2), 80,
 81, 83(6), 84, 85(2), 86(2),
 87, 89(2), 90(2), 94, 98(2),
 100, 105(2), 110, 120, 121
 John, Mr. 91
 BODINALL (Bodynell), Thomas 24, 71
 80, 109
 BODMILL, Thomas 88, 119
 BODY, John 76
 Thomas, Sr. 80
 BOLLING, Robert 2, 17, 18, 25, 32(2)
 34, 40, 47(2), 48(3), 49,
 59(2), 67, 77(2), 82, 84,
 96, 111, 115
 BOND, Thomas 86
 William 106
 BONN, Robert 96
 BONNER, John 69, 72
 BOOTHE, Mr. Thomas 2, 4, 45, 63, 78
 80, 91
 BOSEMAN, Herman 18, 29, 74, 77, 88
 91(2)
 BOTTOM, Thomas 91
 BOURCHER (see Burcher)
 BOWLES, John 94
 BOWMAN, John 49
 BOYDNELL, Thomas (see Bodinall) 108
 BRADFORD, Richard, Mr. 1, 74, 80, 88
 BRADLEY, Joseph 75
 Joseph 58, 107
 BRANCH, Edward 94
 BRESFORD, Joseph 54
 BRIDGES, John 24
 BROCKE, John 25, 113, 119

BROWNE, _____ Maj.

Justice Surry 39
 Dennis 43
 Henry 13
 John 20(2), 25, 28
 Marmaduke 5, 6, 17, 43, 92, 95
 Thomas 23
 William, Maj., Lt. Coll. 11, 102
 109
 BUCKER, _____ Mr., of London 76
 BURCHER, Joan 16
 Maurice 16, 17, 46, 48, 56, 63(3)
 72(2), 74, 89, 90, 94(2),
 95, 101, 103, 113
 (see Boucher, Borchers; also
 Mauvis, Morris)
 Mauvis (see Burcher, Maurice) 17, 70
 Thomas 77
 BURCHETT, Edward 102
 BURGE, John 23, 39, 50(2), 66
 BURNET, Ann 73
 John 23, 30, 34, 73
 Joseph 23
 BURTON, Henry 12, 14, 17, 21, 30,
 75, 93(2)
 BUTTLER, George 8, 94
 BUXTER, John (see Baxter)
 BYRD, John 25
 William, Capt. 31
 CABELL, Henry 50
 CALAHOP, Morris 112
 CALLAHAN, Manus 38
 CAPELL, Edward 108
 CARLETON, M.(S) Mr. 38
 William 28, 30, 35, 37(3), 38
 42(2), 55
 CARLILE, Rich. 2
 CARTER, John 97
 Joseph 99
 CASE, John 99
 Margaret 25
 CHAMMIS, Henry 113, 114, 118
 (Chammo, Chamins)
 CHANDLER, _____ Mr. 36
 CHAPPELL, Sarah (see Chapple), 58(2)
 CHAPPLE, Thomas (Chappell) 25, 58, 89
 CHITCHELEY, Henry, Dep. Gov. 100
 CHRISTIAN, Thomas 68(4), 73
 CHRISTOPHER, Thomas 63
 CHUEWYE, Ann 25

CHURCHMAN, Ann 49
 CLAPHAM, John 2, 17
 CLAUTHORNE, Edward 74, 79
 (The C. Clouthorne on p. 79
 was a clerk's error as it was
 the same estate)
 William (Clouthorne) 100, 106
 111, 119
 CLARK, John 46
 Martha 107
 Richard 39, 73, 88, 100, 112, 115(2)
 Thomas 82(2)
 William 94
 CLARKE, Daniel, Lt. Coll. 4, 14, 15
 17(2), 18(2), 20, 21, 23, 31
 38, 44, 53, 57, 59(2), 60, 61,
 62(2), 66, 67, 68(2), 69(2),
 70(2), 71(2), 72(2), 74, 76(3),
 78, 81(2), 83, 84(2), 85, 86(2),
 87(2), 89(2), 91, 95, 98(2),
 100, 101, 103, 106, 107, 109,
 110(2), 112, 115, 118(2),
 120(2), 121
 CLOUGH, John 26
 COCKE, Richard, Mr. 33
 Thomas, Mr. 10(3), 12, 26, 43
 45(2), 53, 62, 97, 99, 100, 109
 CODD, Col. St Ledger 10, 16, 62, 75
 101, 105, 114
 COGGAN, John, Mr., Dr. (Sr.) 2, 3(3)
 5, 6(2), 13, 18, 21, 23, 25,
 32, 36, 45(2), 47, 56(2),
 59(3), 61, 65, 69, 70, 72,
 74, 77, 80(2), 82(2), 92(2),
 96(2), 98, 121
 John, Jr. 70, 72
 COLE, Annie 35
 Edmond 35
 Mr. Edward 14
 John 121
 COLEMAN, Robert Sr. 44(2), 46, 60
 COLESON, Isaac 106
 COLGILL, Joan 20(3)
 William 20(3), 35, 41
 COLTON, Thomas 80, 81, 119
 COUSET, John 29
 COOKE, William 13
 COOMES, Ephraim 25
 COOPER, James 35
 COPIT, Mary 58
 CORBIN, Edward 49
 CORDELL, John 53
 Martha 88

CORDER, James
 Redish & Banks (of London?) 27, 35
 COREBY, William 73
 CORSEBY, William 70
 COULSON, Joseph 110
 COULSON (Cowlsion), Isaac 113, 115, 119
 COX, William 101, 113
 CRAB, William (Crabbe) 11, 16, 24
 61, 62, 65(2), 69(3), 74,
 75(2), 79, 90, 91(2), 97,
 98, 100, 101, 102, 105,
 114, 115, 116, 117(3), 120
 CRABB, John 19(2)
 CRESPE, Christopher 25
 CRESTWELL, Isiah (see Creswill) 38
 CRESWILL, Isaac (see Crosswell) 24, 50
 CREWS, Andrew, Mr. 112
 Sarah 94
 CROSSE, William 29, 91, 117
 CROSSLAND, Jones 2
 CROSSWELL, Isaac (see Creswill) 17
 CROWLEY, John 39
 CUDEFORD, Robert 74
 CULPEPPER, Lord 88
 CUMBERLAND, John 31
 CUMBLER, John 74
 CURETON, Thos 69
 CURRYFORD, Robert 18
 DABSON, William 18, 23, 57
 DANIEL, John 44, 119
 DARE, William 72, 115, 118
 DAVIDSON, _____ 5
 Alexander 79, 94
 DAVIS, Alexander 17, 94
 Benjamin 10
 Francis, Mr. 65
 Joan 58
 Meredith (Moryday, Mory, Meryday)
 6, 17, 32(2), 37, 41, 43,
 50, 53, 55, 56, 63(3), 68(6),
 72, 76, 82, 83(2), 86, 96,
 105, 117, 120(2)
 Mory (Moreday, Meredith, Meryday)
 DAVISON, Mr. Alexander 4, 68
 (Davidson)
 DAWSON, _____ 2
 Ann 50
 DEBROWNE, Henry 78
 DECENT, John 6, 20
 DELAHAY, Grendall (Gundoll) 101, 110

DENNIS, Robert (Denny)	52, 71(2) 72, 82, 110	EALÉ, Samuel	22, 86
DEPONEE, Davis	49	EDLAND, Nathaniel, Mr.	85
DIAS, Charles	91(2)	EDWARDS, William	
DISON, Nicholas	48	Court Clerk Surry	39(2)
DIX, Jarvis (Jervis)	37, 90, 92 96(2), 106	EKE, James	34
DIXON, Gewas(?)	82	EKLES, John	10(2)
DOBSON, Isabella	50	EKOLL, John	87
William	37, 105	ELLIS, Sampson	12, 14
DODD, Richard	4, 20, 26, 41, 77, 96, 115	Zacheus	29, 99
DOUGLAS, Thomas	49, 67, 107, 116, 120	ELMEY, John	56, 58, 63, 65(2)
DOUPENY, George	106	(Elmoy, Elmly)	
DOWNING, George	49, 114	EMERSON, John	118
DRAITON, Mrs. Elizabeth	38, 90, 94	EMISON, Edward	32(2), 56
(see Drayton)	97, 115	ENGLISH, Bonner	83
DRANE, John	20, 27	William	55, 69, 72, 74, 77(2)
DRAYTON, John Jr. (Draiton)	2(2), 5	ENSALL, John (Ensull)	19, 45, 64, 83
6, 14, 17, 18(2), 33, 34, 46, 50		ENSULL (see Ensall)	
(One rather expected John Drayton Sr. to be the one whose widow Elizabeth asked admin. of his estate but it was John Jr. No husband's name was given in her first request (p. 38) on 4 Feb. 1677/8; by 14 Feb. 1677/8 (p. 46) a stray horse was found in John Drayton, Jr.'s inventory. 16 Oct. 1679 it was demanded that Mrs. Elizabeth Drayton give security on the estate of her dec'd husband John Drayton (p. 112).) John, Sr. (Justice, 1679 _____) (Draiton)	2, 3, 4, 5 6(3), 7(2), 10, 13, 14, 15(2), 17, 23(2), 25(2), 33, 34, 36, 41, 43, 51, 54, 55, 56(3), 57, 59, 63, 65, 69, 79, 80, 81, 82, 86, 88, 90, 94(2), 101, 103, 104(3), 106(2), 107, 110, 112, 117(3), 118	EPPES (Epes), Francis	15, 105, 107, 117
DREW, Mrs. Frances	1, 5, 9(7) 24(3), 50	EPPS, Elizabeth	106
William	61	EPPS (Eppes), John, Coll. (Justice, Sherr. 1675 d. before June 1679)	7(2), 18(2), 23 30(3), 31(2), 32, 35, 36, 37, 41(3), 42, 43, 45, 48, 51, 52, 54, 57(2), 59, 60(2), 64, 69, 72, 79, 80, 82, 84, 89, 94, 95(2), 102, 108, 116(5)
DRINKWATER, John	29, 46, 53, 119	EPPES, John Jr.	116(3)
DROWNWELL, Margaret	25	Thomas, Jr.	22
DUKE, Hannah, Mrs.	40(2), 57, 59, 71, 76	EPPS, Thomas	106, 113
William, Mr. (Justice)	4, 7(2), 10 20, 21, 22, 23(2), 25, 28, 30, 39, 40(2), 59, 71, 87	ERBY (see Irby)	
DUNNINGTON, Charles	86	ETHERIDGE, William	25
Thomas	86	EVERITT, John, Mr.	108
DYAS, Charles (Dyes)	50, 95	(1679 subsherr)	
		FARRAR, John	15
		FARREL, Dorothy	26
		Hubert, Capt. (ffarrell)	8, 26, 59 64, 66
		FARRER, William	15
		FASNOE, Benjamin	114
		FELLS, Joseph	69
		FERNEHEAD, Edward	95, 99
		FIELD, Mr.	1, 83
		FIELDPETER, Mr.	1, 2(2), 6, 13, 15 22, 27, 31, 45, 51, 82, 86, 91, 93
		FINCH, William	77
		FINLEY, John	11, 12(2)
		FISHER, John	73
		William, Mr., Capt.	45(2), 56 67, 73
		FLENDLER (fflender), Ann	74

FLETCHER (ffletcher), Alice 60
 John 58, 60
 Marshall 95, 113
 Michael 91
 FLIMA, Robert, Sr.
 FLINT, Robert 19, 92
 FLOOD, Hercules 102, 106, 113(2)
 FLORYDAY (ffloryday), William 56
 FLOYD, Morris 88, 121
 FOUER (ffouer), Hosser 52
 FORD, John 109
 FOSTER, Christopher 118, 120
 Edwin 1, 7
 FOSTER (ffoster), Henry 73
 FOSTER, Hester 1, 7, 52, 78, 90(3)
 FOWLER (ffowler), Alexander 22, 49, 117
 FOWLER, Richard 49
 FRANCIS, John
 FROST (ffrost), John 64, 98
 William 75, 87
 GAATTLEY, Nicholas, Capt. 59, 64
 GALLES (Gallows?), John 28
 GALLOWES (Galloes), John 21, 69, 73, 115
 GARDNER (Garner?), William 13, 53
 71(2), 80, 92, 99, 102, 113
 GARNER, William 1, 54
 GARTH, Roger 35
 GATLEY (Gattley), Sarah 35, 55
 59(3), 64, 66(2)
 GEE, Henry 34
 GERRARD, Thomas 101
 GIBBS, Matt. 113
 Thomas 66
 GIBSON, Edward 17
 Wm. 2
 GILES, Abraham 3
 Rebecca, Mrs. 54, 55, 81, 100, 32
 54, 55, 78, 81, 82(3), 93
 GILL, Nicholas 109
 GILLEY, Edward, Jr. 75(3), 77, 80
 81, 93, 113, 118
 Edward (Sr.) (Gelley) 26, 64, 68(2)
 69, 72(3), 73, 75, 77, 79, 81,
 84, 85, 93, 95, 103, 104, 115
 Mary 102, 118
 GILLUM, _____ Mrs. 77
 GINSA, John (Ginnsa, Ginsey) 60
 GLADEN, Jonathan 50
 GOFFE, Capt. John 15(3)
 Richard 14(3), 15(6)
 GOIRE, Francisco Ferdinand 47
 GOODE, Peter (Good) 58, 80, 120

GOODES, John 78, 101, 111, 119
 GOODGAM, Thomas 29, 41, 61, 63, 82(3)
 GOSKINS, William 113 37
 GOURC, Richard 96 38
 GOWER, William, Mr. 25, 27, 32, 40, 66
 42, 59, 97, 106, 119 8
 GOWRE (see Gower) 59, 57
 Nathaniel 94 50
 GOSSELING, Capt. Edward 5 75
 GRANDISON, Thomas, Mr. 58 118
 GRANTHAM, _____ Capt. 88 82
 GREEN, John 46 37
 Roger 5, 6, 17, 18 116
 Thomas 19, 96
 William 54 99
 GREGORY, Joyce 118 104
 Mr. Thomas 2, 4, 7, 8, 10, 12, 14 79
 17, 22, 41, 118 43
 GREMDON, Jodel(?) 85
 GRENDON, Thomas, Mr., Capt.,
 Lt. Coll. 4, 10, 23(3), 25, 27(3) 39
 28, 30(2), 31(2), 32, 35(2), (3)
 36(2), 37, 38, 39, 40, 49,
 51(2), 55, 57(3), 58, 61(2), , 4
 66, 67, 69, 76(2), 78, 80, 86
 83(5), 84, 86(2), 89, 95, 97, 49
 98, 100(2), 101(2), 104, 106,
 108, 110, 112, 114, 117, 119
 GRENOW, John 54 3
 GRIFFIN, _____ Capt. 28 25
 Robert 35, 41, 105 59
 GRIGG, William 47(2), 48, 97 15
 GUILLMAN, George 3 94
 GUN (Gunn), James 3, 6, 12, 17, 20(4) 43
 28, 31, 33, 35, 36(2), 41, 37
 47(2), 63, 74, 92, 95, 98,
 103(2), 105(2), 112, 116, 117
 GUNTER, James 40 15
 GUY, Richard 114 9
 GWIN, Humphrey 60 8
 0
 0
 HACKLEY, John 20(2) 0
 HALE, Samuel 37 4
 HALFORD, Ann (Hallford) 19, 40
 HALL, James 88
 HALLFORD, Robias (Halford) 4, 9(2) 1
 47, 40
 HALLWOOD, Thomas 64
 HALTON, George 58
 HAMLETT, Jno. Coll. 53, 58, 88
 HAMLIN, Charles 64
 John 5, 11, 12, 14, 17, 19, 60(2)
 70, 96(3), 98(2), 102, 105(2)

HAMLIN (contd.)	
Stephen (Hamblin)	19, 62(3)
	79, 92, 96(2)
Thomas	10, 17
HAMMIS, Henry	107
HANEYLAND, Mr. Anthony	12(3), 13(2)
HANSON, Richard	22, 48, 86
HARDAWAY, John, Mr. (Hardway)	2(2)
	4, 10(2), 58, 87
HARDEWAY, John, Mr.	58, 85, 101, 114
HARDING, John	40
HARKER, Mark	40
HARMINSON, John	46
HARMON, Henry, Mr.	2, 4, 15, 27
	49?, 74, 78, 79, 108, 111
(The reference on 49 is placed here as he is only one denoted "Mr." so far.)	
HARREL, _____ Mr.	83
HARRIS, Ann	103
Ebbett	114
Thomas	1, 10(2), 87
William	49
Yurt	1
HARRINGTON, John	45
HARRISON, _____ Mr.	118
Benjamin (Haryson)	48, 51, 64
	78, 88
Christopher	22
Gabriel	22
John (Harryson)	12, 13(2), 20, 28
	43, 51, 54, 60, 66, 71, 75, 80, 81, 82, 87(3), 89, 90, 94, 98(2), 103, 116, 120
Rebecca	22(3)
Thomas	80
Mr. William	2, 4, 5, 17, 74, 79(2)
	104, 106, 115, 116, 118, 119, 121
William, Jr.	14, 19(2), 108
HARRYSON, John (see Harrison)	60
HARTWELL, Henry (Council Clk.)	100
HARWOOD, John	68
HARWIAN, Henry	3
HARWOOD, Joseph	118
John	1, 13, 82
HASKINS, William	34
HATCHETT, Ralph	116
HAVILAND, Arthur?	
(Havyland) (Anthony?)	30, 44, 52
	81, 115
(This first name was abbreviated and as usual varied. I believe though it was Anthony and one man.	

HEAD, John	103
HEATH, Adam	67
Abraham	4, 119
Elizabeth	4
HEDGEPATH, John	25
HEDGES, John, Mr.	113
HELLER, Richard	13
HERMAN, Henry	82
HERNISON, Thomas	29
HICKSON, Daniel	13
HIGDON, Daniel	82, 106, 109
HIGGON, Thomas	65
HIGHLADY, John	39, 92, 93, 94
HILL, Charles	24
Edward, Lt. Coll.	2, 3, 4(3), 6
7(2), 10(3), 11(2), 12(3),	
14(2), 15, 18, 20, 22, 23(2),	
25(4), 26, 27(9), 30, 31(3),	
32, 34, 35(3), 37, 38(2), 39(2),	
40(2), 43(5), 44(2), 45, 46(4),	
51(2), 52(3), 53, 54(2), 57(2),	
58, 64, 65(2), 66, 67, 68(2),	
69, 72, 74, 76, 78(2), 87(2),	
88(3), 89(4), 92, 94, 95(2),	
99, 101, 102, 114(2), 119	
Francis	36(2), 68, 75, 77, 80, 84
85, 93(4), 97, 104, 112	
Isaac	33
Jacob	71(2), 72, 74
Nicholas	16
Richard	3, 4, 11, 21(2), 28(2)
45, 46(2), 47, 54, 56(2), 59,	
66, 79, 81(2), 82, 89, 90,	
94, 96, 103, 111, 115, 116	
Thomas	10(2), 45, 53, 62(2)
63(2), 69	
HILLMAN, John	39(2), 50, 67
Samuel	67
Thomas (Hilman)	39, 67(2)
Samuel (Hillman)	39, 50
HILLS, William	50
HIND, William (Hinds)	68, 72, 73, 106
HINDE, Walter (see Hines)	8, 24
HINES, Walter (see Hinde)	22
HIX, John	19, 20, 62(4), 81, 94
118, 121(2)	
HOBB, Miles	70
HOBBS, John	31, 44, 84, 86
HOBSON, Miles	87
HODGES, John, Mr.	2, 14, 40, 42, 46
55, 58, 86, 102, 106, 120	
HOLLFORD, Tobias	19, 33, 91
Anne	27

HONE, Theophilis	13	JOAN (Jones?), John	37
Thomas	45(2)	JOHNS, William	38
HOOD, John	50, 72, 74, 82	JOHNSON, Elizabeth	64, 66
William	79	Peter	8
HOOPER, William	36, 46, 54, 57	Samuel	12, 33, 41, 57
63(2), 68, 72, 76		Sebran	50
HOPKINS, William	101, 102, 118	JONES, Davis	75
HORN, Mary	89	Henry	118
HORNE, Thomas	11	John (Jone)	82
HORNER, Maryet	59, 93	Mary A.	37
Har. (Harold?)	93	Richard	108, 111(2), 113, 116
Mr.	55		118(3), 120(2)
HOSKINS, William, Mr.	62(3), 82, 84	Robert	82, 99
85, 89, 98, 106(2), 110(2)		William	40, 100, 104
HOWARD, James	25, 35, 47, 53, 59	JONKINS, Henry (Jenkins?)	79
HOWELL, John	23, 86, 110	JORDAN, Edward (Jourdan)	6, 31, 43
HUBSON, James	109	54, 74, 77, 84, 85, 89(2), 117	
HUCKABIE (see Huckaby)		George, Lt. Coll.	
HUCKABY, Thomas (Huckabie)	31(2)	(Justice Surry)	39
44(2), 50, 54, 60(2), 72,		Nathaniel	14, 33(3), 34, 44(3)
84(3), 85(2), 86, 99, 115			54, 99
HUDSON, Christopher	75, 96(2), 102, 107	JORDAN, William, Mr.	2, 3, 4
HUGHES, Robert	96	JORDAN'S PAR.	13, 15(2), 23, 84, 86
HUGHSON, Joan	98	JOULES, Silvester	49
HUME, William, Sr., Mr.	76, 82		
HUMPE, Wm.	2	KEARNEY, Barnaby	3
HUMPHREYS, William	88	KEBSSALL, John	25
HUNS, William, Mr.	58	KEGGON, Thomas	59
HUNT, Walter	69, 104	KENNER, John	115
William, Jr.	76, 94(2), 95, 96(2)	KENNON, Richard	94
97, 102(2), 108, 109, 110		KESLER, Thomas	43
William	65, 90, 98, 108	KING, Eusebius	11, 34, 35, 55, 57
HUTCHISON, Noell	10, 40	61, 69, 74, 77, 88, 94(2),	
		99, 101(2), 104, 105, 110, 114	
IRBY, William, Dr. (Erby)	25, 32, 46	John	25
75, 80(2), 81, 88, 102, 107,		Thomas	71, 84, 85, 94, 95, 99
108, 121(2)		KIRTLAND, Hugh	58
IRELAND, Robert	5, 23(2), 45, 53	KISLER, Michael (Kesler?)	60
ISHAM, Henry, Capt.		KOFLORD, Michael	50
(Isom, Isum)	110(2), 114	KOSLER, _____	60
ISOM (see Isham)		KOSMAN, Richard	104
IVEY, Adam	28, 32, 45, 52, 61(2)		
66, 71, 112, 119, 120(2)		LAMBERT, William	2, 25, 49
		LAMBSON, William	4, 27, 92, 95
JACKSON, Richard	12(2)		103, 112, 117, 120
JAMES, Richard	6	LAND, Curtis	17, 18, 20, 30, 73
Sarah	79	LANEER, John	43, 60
JEFFREYS, Herbert (Gov.)	1, 4, 12	LANEKE, James	99
23(2), 49, 51		LASHLEY, Henry	21, 28, 32
JEFREY, James	101	LAURENCE, James (see Lawrence)	38
JENKINGS, Allen	6, 18(4), 115	LAURENCE, Mary	16
William	6	LAWS, William	25

LAWRENCE, James	38(2), 45, 53, 54	LUDFORD, John	79
(see Laurence)	— 49	William (Ledford)	28(2), 29, 34
John	47, 60	37, 64, 66, 67, 74, 91(2)	
LEADEN, Hugh	77	Mary	90, 116(2)
LEARE, Henry	20	LUDSON, Thomas (see Lueson)	66
LEDBEATER, Francis	61(2), 69(2), 70	Thomas	49(2), 56
73, 80, 82(2), 102, 105(3),		LUDWELL, John	111(2), 119
107, 117		Thomas, Secr. Rec.	13, 21, 22
Henry, Jr.	67(2)	LUMBREY (see Lymbrey, Limbrey)	
LEDBITER, Thomas	35, 46	LURMAN, Robert	107
LEDFORD, Mary	26	LUSCOMB, Jonas (see Liscum)	25, 27
William (Ludford?)	4(3), 5, 28(2)?	29, 35(3)	
LEE, George, Mr., Dr.	5(3), 39	LUTSON, Thomas	57
45(2), 46, 58, 79(2), 102,		LYMBREY, Phillip, Mr. (Limbrey)	1
103, 108(2), 116(4)		9(4), 10, 24(2), 26(3), 33,	
LEIGH, John	24(3), 34	35, 39, 41, 50, 51, 58, 78, 114	
LESARD, Henry	32		
LEWELLIN, Daniel, Capt.	7(2), 10, 14	McKINNEY, Elizabeth	104
22, 23(2), 24, 29, 30, 36,		Morgan	104
37, 40, 43, 45, 48, 51, 52,			
57(2), 58(2), 61, 64, 84,			
95, 108, 117, 120			
LEWIS, John	118	MACOCKE'S	26
LIGGON, Mrs. Mary	14, 17, 27, 38	MADDER, Thomas	119
74, 79		MADOX, Joseph	43
Thomas, Coll.	14, 17, 26, 38, 74	MAINE, John	40
LIGON, Mr.	19, 80	MAJOR, John	56
Richard, Mr.	38, 109, 118	MALLOONE, Mary	22
LILLY, Nicholas	24, 47, 63(2), 68	MALLORE, ____ Mrs. (Mallory?)	84
LIMBREY, Elizabeth (Drew)	9(2)	MALLORY, Elizabeth, Mrs.	49, 61, 62, 93
(Lymbrey, Lumbrey)		Thomas, Capt.	7(3), 12, 14(2), 22
John (Lymbrey)	9(2)	23(2), 24(2), 25(2), 27,	
Phillip (see Lymbrey)	26(3), 50	30(3), 31(2), 35, 49, 61	
LISCUM, Jonas (see Luscomb)	20, 37	62(4), 93	
78(2), 80, 82, 87(3), 92,		MALONE, Daniel	94, 96, 101
104(2), 116, 120		MANFULL, Elizabeth	108
LISEMIN, Jonas	68	Thomas	108
LIZER, Ann	16	MANSFIELD, Easter	37
LODLINGTON, Thomas	37	Mark	102
LOEMAN (see Lowman)	58	Maxmilian	37
LORD, Coleman	61	Thomas	37
LOTT, John	112	MANSULL, Maxmilian	113
LOW, Edward	102	Thomas	113(2)
Thomas	49, 57	MARABLE, George (see Marble)	26
LOWELL, ____ Mr.	67	MARBLE, George (see Marable)	3(2), 6
LOWMAN, John (Loeman)	5, 19, 31, 45	11(2), 14, 17, 28	
58, 92		MARKEYS, Daniel (Markey)	78(2)
LUCY, Francis	50	MARSHALL, ____ Mr.	80
Capt. Robert	4, 5, 11(2), 17, 39	Elizabeth	117
48(2), 50, 53, 63, 64, 65,		James	108
68, 70, 73, 78(2), 82, 83, 86		John	12, 14, 17, 103, 111, 114, 120, 121
Sarah	26(3), 48(2)	MARTIN'S (Marcht) Brandon Par.	8
(see Barker & Taylor)		12(2), 29, 84, 85, 104	

MARTIN, Henry	43(2), 54	MOSEBY, Elizabeth	87
Richard	10	Mr. Richard	18(3), 30, 33, 34, 49
MASON, _____	2	50, 64, 74, 87, 96(2), 115, 117	
James	5, 11, 20, 27, 64, 68(2)	MOSIER, Nicholas	35(2), 103, 108
69, 75, 80, 81, 95, 102, 103,		MUDGETT, Sarah	49, 65, 66, 89, 90
109(9), 110(2), 113, 115		93, 117, 118	
Mary	102, 103	Thomas	6, 12, 18(3), 33(3), 34
MATHEWS, John	94	49, 59, 77, 78(4), 79, 81(3)	
MATTOX, Joseph	106	MUMFORD, James	13, 96(2), 97
MAY, Henry	14, 27(2), 46, 54, 56, 63	Jeffery	6, 8, 50, 108
MAYE, John	33, 54, 56	Mary	50
MAYER, James (see Mayo?)	43	MURPHY, Thomas	109
MAYO, James (Mayer?)	8, 43(?), 47	MURRELL, Thomas	92
Jane	60		
MAYS, James	71	NEALE, Samuel	25
MAYTON, John	12, 14, 17, 18, 45	NEBLETT (see Niblett)	
MEACHAM, Elizabeth	67	NEEDMORE, Joseph	80
John	77	NETHERLAND, Robert	50, 53, 55, 68(2)
Joshua (Doshua)	17, 54, 67(2)	70(3), 82(2), 84, 112,	
	69, 98, 117	119(2), 120	
Mary	67	NEW, Edward	114
MECHING, Morgan	29	NEWCOMB, Henry (Newcom)	11(3), 23(2)
MEERS, Richard	59	64, 65, 69(2), 77(2)	
MEKINNEY, Alice (McKinney?)	56	NIBLETT, John (Niblett)	12, 41, 43(2)
MELTON, _____	83	50, 71, 76, 78, 99, 101	
Edward (see Milton)	38, 75	NICKELMAN, John	8
William	15	NORVELL, Lidia	5, 74, 77, 102
MERCHANT'S HOPE	84, 85	NORWOOD, Edward	13, 45(2), 70
MERIWETHER, Thomas	111	33, 81	
MERYWETHER, _____ Mr.		William	121
(Justice Surry)	39	NOWELL, Mrs. Lillian	6, 11, 99
MILES, John	65	NOWELL, Lydia, Mrs.	99
MILTON, Edward (see Melton)		(Lillian? or Norvell?)	
MINCHIN, William	26(2), 30, 36, 112		
MINGE, Mr.	1	O'BRIAN, Roger	106(2)
James, Mr.	1, 4, 10(2), 17, 18	OBRYAN, Mahone	40, 51(3), 52
20(2), 22, 26(2), 31, 43, 53,		(The above named man <u>is</u> the	
58, 59, 71, 73, 74, 75, 78,		guardian of the orphans of	
79, 80, 91, 93(2), 100, 118		Sam'l Taylor.)	
MINSHAM, _____ (Mintham?)	77, 104	ODIUM, William	41
MINTHAN, Isabella	93	ODUM, Abraham (O'diurn)	65, 88, 102
William	93	106(2), 110(2), 111, 114(2), 116	
MOORE, Robert	106	Henry	119(2)
Thomas	115	OSBORNE, Elias	99, 101, 107, 110
William	29	113, 114, 118(3), 120(2)	
MOREHAEN, John	62	Jane (Joane) (Lymbrey)	9(5), 52
MORGAN, Thomas	14	OUSBOWEN, _____ Mr. (Osborne?)	44
MORITON, Thomas	19	OWEN, Philip	118
MORNING, John	108	Philip, _____ (younger)	118
MORRICE (see Morris)			
MORRIS, Robert, Capt. (Morrice)	28		
29, 30, 37, 38(2), 42(4), 55,			
113, 120			

PACE, Mary 41, 58
 Mr. Richard (Pase) 12, 14, 31, 41, 49
 PARKER, Ann 87
 John 87
 PARKS, Daniel 29
 PARSONS, Joseph 22(2)
 PASE (see Pace)
 PATISON, Thomas 98
 PEABRIGHT, James 59
 PEBLES, _____ Mr. 59
 PERKINS, Isaac 31
 PERRY, Mathew 50
 PETERSON, John 38, 61, 65, 88, 96
 106(2), 110, 111, 114(2),
 116, 119
 PHILLIPS, Edward 93
 Mary 52
 Samuel 1, 10, 24, 36, 52, 53(2)
 Susannah 24, 36, 38
 Thomas 61, 69, 70(2)
 PIGGOTT, John 34, 36, 38
 PLACE, Esyt(?) 53
 Rowland, Esq., Coll. 5, 6, 24, 29
 35(2), 36(2), 43(2), 45(2),
 46(2), 50, 53, 54(7), 58, 60,
 63(3), 64, 65(2), 66, 69(3),
 70(2), 75, 79, 82, 83, 90,
 91(3), 92(9), 95(5), 96, 97,
 98, 100, 102, 103, 109, 115,
 116, 117(2), 118, 120
 Thomas 50
 PLAT, Gilbert 14(2), 15, 27(2)
 38, 68(2)
 PLATT, Mr. 15(3)
 PLATTS, Richard 15
 (I think this is a clerk's error
 as Gilbert Platt was first men-
 tioned - Ed.)
 PLEASANTS, John 15, 36, 40, 41, 97
 PLUCKROSE, Thomas 79, 115
 POINTON, Roger 32
 POOLE, Ralph (Rolfe) 27, 28, 33, 51
 56, 70(5), 80, 81, 90(2),
 91(2), 93, 98, 100, 101, 103,
 111, 113, 115
 PORTER, Thomas 59, 60
 PORY, Nicholas 121
 POT, John, Mr. (Pott) 97, 100
 POTTER, Robert 54
 Roger 81
 Thomas 41
 POTTS, Joseph 103, 112
 POWD, John 2, 6
 William 2

POYNTON, Roger 91
 POYTHRESS, Francis, Capt. 5, 7(2)
 14, 18, 22, 23(2), 25, 27(2),
 28, 30(2), 31, 39, 48(2), 57,
 64, 67, 74, 80, 83, 84(3), 86,
 89, 98(2), 100
 John 6, 12, 14, 17, 24(2)
 PRESTHOOD, Ann 25
 PRESTON, Henry 8, 17, 18, 20(3), 34
 49, 56(3), 61(2), 68, 70(2),
 80, 89, 97, 101, 107, 108,
 111(3), 113, 116, 118(3), 120(2)
 PRICE, Ann 8, 43, 47, 56, 71, 80
 81(2), 93, 100
 John 14
 Richard 8, 54, 56, 60, 71, 81
 PRIDE, William 14, 28(2), 79, 96, 110
 PROSSER, Henry 48
 PRYOR, Anthony (Prior) 79(2), 89(3)
 102, 108(2), 116(3)
 PULEM, Richard 50
 PULLEY, Ruth 5, 29
 PURFOYD, Thomas 41

 QUETCH, Martin 4

 RACHELL, Elizabeth 116, 118
 Ralph 79, 108, 118
 RAINES, Richard 13
 RANDOLPH, Judith 38
 William 12, 14, 17, 26(2), 27, 32
 34(2), 35, 41, 42, 47, 50,
 52, 55, 57, 60, 72, 73, 93,
 103, 104, 109, 110(2), 112(2),
 113, 114, 115, 117
 RANGE, William 67
 RAWLINS, Elizabeth 118
 RAWLINSON, William, Capt. 56, 89, 105
 RAYE, Susannah 25
 REA, Francis 78
 READ, Peter 67
 William 111
 REAKES, John 87
 REDFORD, Johnson 59
 Mary 119
 Poland 67
 REDISH, Edward 6, 20(3), 27, 33
 43, 63, 68, 113
 REED, Peter 87
 REESE, Roger 6, 82
 RICE, Roger 67
 RICHARDS, Edward 11, 25, 33

RICHARDS (contd.)		SCOSEBEY(?), Richard, Mr.	49
Henry	110, 114	SHAPLEY	47
John	110, 114	SHARD, John	41
RIGLEY, James	88, 97(2)	Widow	58
RIVERS, Robert	96	SHARP, Hester	78, 90
RIX, John (Reekes, Rickes)	108	Thomas	65, 94
111(3), 116, 118(3), 120(2)		SHAW, John	25
ROACH, John	46, 55	SHEFFIELD, William	65
ROBINSON, Thomas	46, 63, 66, 73, 78	SHERWOOD, William, Mr.	5, 6, 10, 12
Edward	90, 99, 106(4)	31, 44, 90, 98, 101, 109	
Thomas	70	SHIPDOME, Elizabeth	87
ROC, Luke	56	SHIPLEY, Elizabeth	118
ROGERS, Ellin	101, 106	Walter, Mr.	27, 32, 42(2), 51
Henry	67, 84, 97, 101, 106	62, 84, 85	
ROGS(?), Jotten(?)	85	SHORT, John	8(2)
ROLLINSON, William (Capt.)	10, 16	Robert	1, 53, 54, 60, 68, 71, 80
21(2), 24, 34		Thomas	8
ROOKS, John	41, 113	SIKES, William	81
ROOME, Daniel	88	SIMMONS, Thomas	55, 56(3)
ROSE, Mary	4(3), 16(2), 28, 64, 81	SIMONS, William	108
Morrill (Morris)	53, 90	SLEAD, Francis	99
ROSS, Edward	72	SNOOK, Daniel	114
Michael	27	SMITH, _____	35
ROSSER, Henry	43	Elizabeth	50
Michayell (Rosson)	41, 52	James	52
ROSSON, Michael	35	John (Shoemaker)	10(2), 14, 25(4)
ROTCHELL, Ralph	72	27, 32, 34, 36(3), 38, 41,	
ROUSE, Robert (see Rowse)	58	47, 48(3), 55, 57, 60, 66,	
ROWLAND, Peter	69	78, 83, 84, 85(2), 88(2), 89,	
ROWSE, Robert	13, 47	98, 93, 96(2), 97, 102, 104,	
(I really think this is Rose)		108, 110, 111, 117, 120	
RUDDS, John, Capt.	92	Richard	11, 19, 24, 45(2)
RUSHING, Mathew	114	108, 117, 120	
RUSSELL, Samuel	104	Samuel	114
RUTLAND, Job.	98	William	53, 60
RUTTLAND, John	2, 17, 18	SNUDGE, John	87
		SNEES, Grosvenor	37
SADLER and QUINEY	121	SNOCH, Daniel	105
SADLER, Mr. John	17(2), 20(2)	SOMAKER, James	5
SANDBOURNE, William	13	SORRELL, Rebecca, Mrs.	73
SANDBURNE, Daniel	67	SOUTH, Francis	8
SANDERS, William (see Saunders)	21	SPARK, Richard	55, 69
77, 98, 107		SPENCER, _____	
SANDERSON, Edward	114	(Widow of Edw. Clanthorne)	100
SANDS, William (see Sans)	38	Richard	78, 104, 106, 111, 119
SANS, William (Sands)	24, 38	SPIRE, Robert	99
SAUNDERS, Mary (see Sanders)	107	STANLEY, John	25, 110
SAVAGE, Sarah	4	Thomas	89, 104, 113
SCOT, Thomas	18	STEVENS, Sarah	111
SCOTT, John	52, 58	Thomas	111
		STEVENSON, Thomas	17, 20(2)
		STITH, Jeane	22(2)

STITH (contd.)

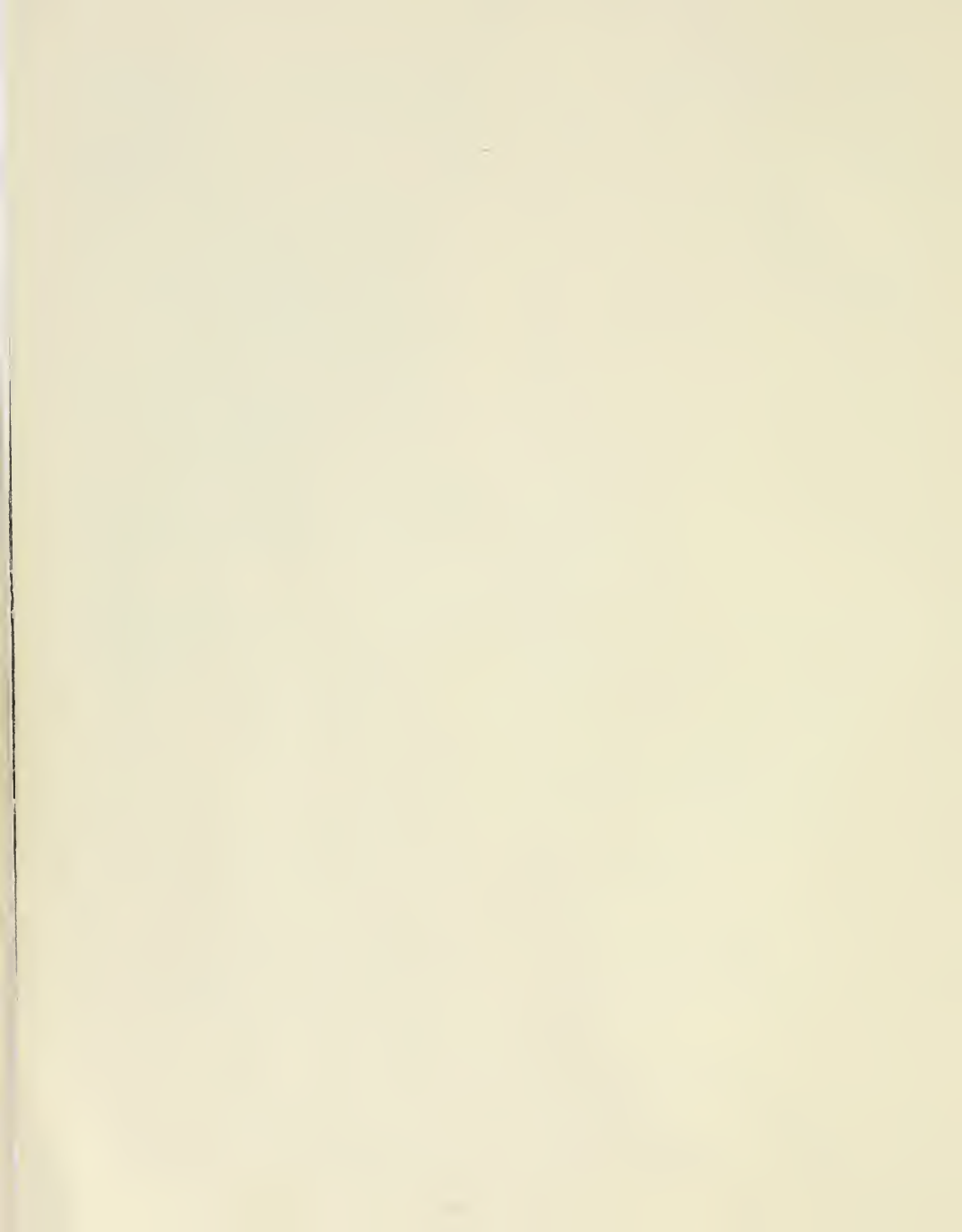
John, Maj. 1(2), 2, 7(4), 10(2)
 12, 14, 18(2), 19, 22, 23(2),
 25(3), 27(2), 30, 31(3), 32(4),
 35(3), 36, 37(2), 38, 39, 40,
 41(2), 48(2), 50, 51, 52(2),
 54, 55(2), 56, 57(2), 58(2),
 59, 61, 62(3), 64, 66, 67, 68,
 69(3), 70(2), 72, 75, 76(2),
 78(2), 80, 81(2), 83(8), 84(2),
 86(2), 87(3), 88, 89, 90, 95,
 98, 100, 101(2), 102, 104(2),
 106, 108(2), 110, 112, 120
 John, Jr. 22(5), 90
 Thomas, Maj. 61
 STOKES, Sylvanus, Mr.
 (Silvester?) 60(2), 81, 112, 115
 STONER, Thomas 40, 49, 58, 65, 77
 78(4), 79, 81(4), 89, 90(2),
 97, 101(2), 110, 114, 117, 118
 STRATTON, Edward 15
 STRONG, Joan 19(2)
 Thomas 19(2)
 William 77(2)
 STURDEVANT, John 61, 66
 SUFFOLKE, Rich 2
 SUMERS, James 59
 SWANN, _____ Capt. (Justice Surry) 39
 Coll. Thomas 3, 5(2), 6, 17
 18(2), 32, 34, 39, 79, 81,
 90(2), 98, 103, 110, 115,
 117, 118
 SYKES, Bernard, Mr.
 (Barnard, Sikes) 4, 6, 14, 27(2)
 29, 36(2), 37, 38(3), 48,
 49(2), 51, 53, 55, 57(2),
 58, 62(2), 66, 67, 76, 78,
 80, 84, 89, 100, 108(2),
 116(2), 117(2)
 James 85
 TALBOT, Michael (Marshall?) 76, 78
 83, 85, 98(2), 99, 101, 103
 TAPLEY, Adam 36, 53, 54, 97
 TATE, John 13(2), 20, 28, 43(2)
 45, 51, 66(2), 80, 91, 114, 120
 TATEM, Mrs. Elizabeth (Tatum) 8, 13
 32, 46(2), 47, 48, 50, 52,
 58, 59, 62, 65, 67, 71(2),
 72(2), 73(2), 77, 90, 94(2),
 95, 96, 103(2), 110, 119
 TATUM (see Tatem)

TAYLOR, John Richard 48(2)
 John 37
 Richard 26
 Samuel 40, 51, 52
 Sarah (see Barker and Lucy) 26
 TERO 47
 TERRINGHAM (see Turringham)
 TERRY, John, Dr. 3, 40, 45, 71, 111
 117, 121
 THEOBALDS, William 67, 74(2), 80
 88, 94, 96, 97, 103(3), 108
 THOMAS, David (Thoms) 49(2), 58
 THOMKINS, William 31
 THOMPSON, James 106
 William 47
 THOMSON, Francis 103
 James 30
 THRALE, Mr. James
 (Thrate?, Thrall?) 2, 33, 82, 116
 THRATE, James
 (Thwait, Thrale?) 3(2), 58
 THREWEKES, John 83, 85, 92
 THROWER, Thomas 92
 THWAIT (see Thweet) 58
 TIBBALLS, William 77, 106
 TILLMAN, Roger 107
 TIRREY, John 89
 TOMLINSON, William 55
 TOMPKINS, William 13
 TOWNER, James 74
 TRAYLOR, William 61
 TRUMPER, John 49
 TUBB, James, Dr. 53, 97, 105, 112
 TUCKER, Robert 106, 110, 115(2), 119
 William 109, 120
 TURBYFIELD, John 20, 42(2), 65, 66
 TURKEY ISLAND 10
 TURNAGEN, Mary 49
 TURNER, Dorothy 103
 Joan 44
 John 10, 25, 32, 42, 44(2), 49
 50, 80, 81, 89(2), 96(2),
 108, 112, 115, 116(2), 118
 Mathew 34
 Thomas 78
 TURINGHAM, Thomas
 (Terringham, Torringham) 23, 54
 55, 80
 TYLER, Mathew 2, 61, 66, 102
 110, 115
 UNDERWOOD, Abraham 7

VANDERVAN, John 87
 VANNHAM, Walter 15, 99, 102
 VARNHAM (see Vannham)
 VAUGHN, William 33, 41, 49, 57, 59
 61, 106?
 VAUX, Walter 42
 VOKES, Samuel 89
 (Could this be Vaux?)
 WALKER, Nicholas 75
 WALLACE, James 45, 58, 63, 67, 77
 96(2), 115
 WALLIS, James 6, 14, 37, 81, 87, 89
 Joseph 107
 Thomas 106, 108
 WALLPOLE, Caser 87
 WALMSLEY, Mary 75
 Roger 75, 81, 118
 WALTER, Thomas 95
 WALTON, John 25
 John 25
 WAPPOLL, Thomas 99
 WARD, John 92
 WAREBROOK, James 106(2)
 WARRENOR, Daniel 49, 86
 WATERLAND, Michael 57, 66
 WATHEN, Mr. Richard
 (Wolthen?, Wooten?) 2, 4(3), 28
 34, 37, 45, 46, 52(2), 53,
 61(2), 63, 73, 74, 81, 82,
 90, 91, 115(3), 116, 119, 120(2)
 William 91
 (The above is the clerk's error.
 Check p. 74 which shows Richard
 Walthen.)
 WATKINS, James 111
 Lewis 46, 60
 WAYNOKE PAR. 8, 15, 38, 84, 85
 WEAVER, Jane 21
 Jeeter 21
 John (Weevour) 16, 20(2), 78, 81
 89, 97, 104, 108
 WEBB, Charles 51, 103
 WEEKS, Elizabeth 40
 WELBECK, Richard 102, 109
 Nicholas 11
 WESSON, Mary 87
 WEST, Francis 90, 99, 105(3)
 WESTBROOK, John 102, 113(2)
 WESTMORELAND PAR. 84, 85
 WESTOVER PAR. 6, 10, 11, 15, 24(2)
 41, 84, 85
 WETHCUBE, Richard 111

WHEELER, Hannah 50
 John 42(2)
 Nevet. Mr. 2, 3, 4, 11(2), 12(2)
 13(3), 16, 20, 21, 33(2), 45,
 47, 50, 59, 62, 67(2), 72,
 73(2), 90, 94, 95, 96, 103(2)
 WHIT, Henry 51
 John 20
 WHITE, William, Maj. 8, 50, 55
 59(2), 64, 66(2)
 WHITEHEAD, Charles 109
 WHITTINGTON, Frances 47, 96
 WILCOX, Samuel 43
 WILKASON, William (see Wilkinson)
 WILKES, Francis 79
 WILKINS, William 19, 29, 31, 43, 53
 61(2), 63, 66, 70(3), 73(2),
 74(2), 115, 119
 WILKINSON, _____ (see Wilkason) 15(3)
 Hannah 49
 John 46
 William 28, 29, 78, 79(2)
 WILLCOCK, Samuel (Willkox) 33(3), 99
 WILLIAMS, Cuthbert (see Williamson)
 58, 75, 83, 107(2)
 (I am sure that this is a clerk's
 error for Williamson - Ed.)
 John 94
 Paul, Mr. 103, 119
 Saul, Mr. (Paul?) 113
 Richard 5, 15(2)
 WILLIAMSON, Cuthbert (see Williams)
 10, 31, 58
 John 108
 William 73
 WILLSON, John 33, 34, 49, 87
 WIND, Anthony 10
 WINKFIELD, Jarvis 37
 Robert 37
 William 23
 WINN, Robert (see Wynn) 26(2)
 WINTER, Thomas (Wynters) 8, 52, 119
 WITHERS, Richard (Wythres) 15, 94
 101, 112
 WITHS, ffrancis 68(3)
 WOOD, Abraham, Majr. Gen'l 49, 64(2)
 66(2), 70, 77
 George 81
 Thomas 31
 the widow 83
 WOODHALL, Jeramyah
 (Jeremiah) or Joe? 3, 116?
 WOODHOUSE, Hammon 8
 Rachell 8

WOODLEY, John	102
WOODLIEF, John	27(2), 39, 42, 57
George	51, 70, 82
WOODSON, John	61, 66, 67
WORD, John	106
WORMAN, John	104
WOTHEN, Richard (see Wathen)	61
	70, 71(2)
WYATT, Anthony (Sr.)	10(2), 40, 42
	51, 52(2), 75, 113
Nicholas, Mr., Capt.	4(2), 7(2)
	9(5), 11, 13, 24, 28, 30,
	31(4), 36(2), 39, 41, 42, 43,
	50, 60(2), 63(4), 64, 65, 66,
	67, 76, 78, 79(3), 80, 81,
	83(2), 85, 89, 90, 92, 93,
	98, 99, 101(2), 104, 106(2),
	107(2), 110, 114, 115, 117,
	119(2), 120(4)
Richard, Mr.	49, 74
WYETT, Edward (Wyatt?)	48, 107
WYNN, Robert (see Winn)	26(2)
WYTHRES (see Withers)	
YONG, Anne	25
Dorrill	24, 25
John	25
Thomas	25





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